Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No. 04-1084

In the Supreme Court of the United States

ALBERTO R. GONZALES, ATTORNEY GENERAL, ET AL.,
PETITIONERS

v.

O CENTRO ESPIRITA BENEFICIENTE UNIAO DO VEGETAL, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JOINT APPENDIX

(VOLUME 1)

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PETITION FOR A WRIT OF CERTIORARI FILED: FEB. 10, 2005
CERTIORARI GRANTED: APR. 18, 2005

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UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

No. CV 02-2323

O CENTRO ESPIRITA, ET AL., PETITIONER

v.

JOHN ASHCROFT, ET AL., DEFENDANTS

DOCKET ENTRIES

DATE	PROCEEDINGS
12/3/02	Civil case docketed. Preliminary record filed.
	* * * * *
12/12/02	Order filed by Judges Kelly and Hartz granting Appellant's motion for a stay pending appeal and the district court's preliminary injunction is stayed pending further order of this court. Parties served by mail. (jal)
	* * * * *
1/16/03	Appendix filed by Appellants John Ashcroft, Asa Hutchinson, Paul H. O'Neill, David C. Iglesias, and David F. Fry. Two copies: Appendix pages: 509. In addition, 9 volumes of transcripts filed (one set only; total pages: 2037). c/s: y. (gah)

DATE	PROCEEDINGS
	* * * * *
1/17/03	Appellant's brief filed by John Ashcroft, Asa Hutchinson, Paul H. O'Neill, David C. Iglesias and David F. Fry. Original and 7 copies. c/s: y. Served on 1/16/03. Oral argument? y. Appellees' brief due 2/14/03. (afw)
2/18/03	Appellee's brief filed by O Centro Espirita, Jeffrey Bronfman, Daniel Tucker, Christina Barreto, De Almeida Dias, Patricia Domingo, David Lenderts, David Martin, Maria Eugenia Pelaez, Bryan Rea, Don St. John, Carmen Tucker and Solar Law and submitted to court. Original and 7 copies. c/s: y Oral Argument? (scheduled). Appendix filed. Original and 1 appendix copy. Appendix Pages: 1724. (klp)
	* * * * *
2/20/03	Appellees' Amended Brief received from O Centro Espirita, Jeffrey Bronfman, Daniel Tucker, Christina Barreto, Fernando Barreto, Christine Berman, Mitchel Berman, Jussara De Almeida Dias, Patricia Domingo, David Lenderts, David Martin, Maris Eugenia Pelaez, Bryan Rea, Don St. John, Carmen Tucker and Solar Law, but not filed, pending ruling on motion to file. Original and 3 copies. c/s: y. (klp)

DATE	PROCEEDINGS
2/24/03	Amicus Curiae brief filed by Christian Legal, The National Associa*[sic]*, Clifton Kirkpatrick and Queens Federation of. Original and 8 copies. c/s: y. Served on 2/21/03. (jal)
	* * * * *
3/3/03	Appellants' reply brief filed by John Ashcroft, Asa Hutchinson, Paul H. O'Neill, David C. Iglesias, and David F. Fry. Original and 7 copies. c/s: y. (gah)
3/10/03	Case argued by Matthew M. Collette, for appellant and Nancy Hollander, for appellee; Submitted to Judges Seymour, Porfilio, Murphy. (ss)
	* * * * *
9/4/03	Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. Seymour; Porfilio, authoring judge; Murphy, dissenting. Parties served by mail on 9/4/03. (klp)
	* * * * *
9/24/03	Order filed by Judges Seymour, Porfilio and Murphy denying without prejudice Appellees' motion for clarification and motion to lift the stay. [Parties served by mail. (jal)

DATE	PROCEEDINGS
10/17/03	Petition for rehearing en banc [02-2323]. filed by John Ashcroft, Asa Hutchinson, Paul H. O'Neill, David C. Iglesias, David F. Fry, * * * ation of. Original and 18 copies. c/s: y (na)
	* * * * *
11/4/03	Appellees' response in opposition to appellants' petition for rehearing en banc filed by O Centro Espirita, Jeffrey Bronfman, Daniel Tucker, Christina Barreto, Fernando Barreto, Christine Berman, Mitchel Berman, Jussara De Almeida Dias, Patricia Domingo, David Lenderts, David Martin, Maria Eugenia Pelaez, Bryan Rea, Don St. John, Carmen Tucker and Solar Law and submitted to court. Original and 19 copies. c/s: y. (jal)
1/7/04	Order filed by Judges Tacha, Seymour, Porfilio, Ebel, Kelly, Henry, Briscoe, Lucero, Murphy, Hartz, O'Brien, McConnell, Tymkovich granting Petition for rehearing en banc and ordering simultaneous supplemental briefs due 2/6/04 for David F. Fry, David C. Iglesias, Paul H. O'Neill, Asa Hutchinson, John Ashcroft, Solar Law, Carmen Tucker, Don St. John, Bryan Rea, Maria Eugenia Pelaez, David

DATE	PROCEEDINGS
	Martin, David Lenderts, Patricia Domingo, Jussara De Almeida Dias, Mitchel Berman, Christine Berman, Fernando Barreto, Christina Barreto, Daniel Tucker, Jeffrey Bronfman, and O Centro Espirita. The parties shall also file an additional 14 copies of their original panel briefs on the merits. (klp)
	* * * * *
2/6/04	Supplemental brief filed by Appellees' O Centro Espirita, Jeffrey Bronfman, Daniel Tucker, Christina Barreto, Fernando Barreto, Christine Berman, Mitchel Berman, Jussara De Almeida Dias, Patricia Domingo, David Lenderts, David Martin, Maria Eugenia Pelaez, Bryan Rea, Don St. John, Carmen Tucker, Solar Law. Original and 17 copies (copies of merits brief filed as well). c/s: y (na)
	* * * * *
2/9/04	Appellants' supplemental brief filed by John Ashcroft, Asa Hutchinson, Paul H. O'Neill, David C. Iglesias, David F. Fry and submitted to court. Original and 14 copies. c/s: y. (jal)
	* * * * *

DATE	PROCEEDINGS
2/9/04	Supplemental brief filed by Amici Curiae Christian Legal, The National Associa, Clifton Kirkpatrick, and Queens Federation and submitted to court. Original and 18 copies. c/s: y. (gah)
2/20/04	Appellees' supplemental reply brief filed by O Centro Espirita, Jeffrey Bronfman, Daniel Tucker, Christina Barreto, Fernando Barreto, Christine Berman, Mitchel Berman, Jussara De Almeida Dias, Patricia Domingo, David Lenderts, David Martin, Maria Eugenia Pelaez, Bryan Rea, Don St. John, Carmen Tucker, and Solar Law and submitted to court. Original and 18 copies. c/s: y. (gah)
2/24/04	Appellant's supplemental en banc reply brief filed by John Ashcroft, Asa Hutchinson, Paul H. O'Neill, David C. Iglesias, and David F. Fry. Original and 14 copies. c/s: y. (klp)
	* * * * *
3/9/04	[1692076] Case argued by Gregory G. Katsas, for appellant and John C. Boyd, for appellees; Submitted to en banc court. Senior Judge John C. Porfilio joined the en banc panel to hear this argument. (ss)
	* * * * *

DATE	PROCEEDINGS
11/12/04	Terminated on the Merits after Oral Hearing; Affirmed; Written, Unsigned, Published. Heard en banc; Tacha, Seymour, Porfilio, Ebel, Kelly, Henry, Briscoe, Lucero, Murphy, Hartz, O'Brien, McConnell and Tymkovitch: Judge Murphy, concurring in part, dissenting in part (joined in full by Ebel, Kelly O'Brien and as to Part I, by Hartz, McConnell and Tymkovich). Judge McConnell concurring (joined by Tymkovich and Judges Hartz and O'Brien as to Part I). Judge Hartz dissenting. [02-2323] Parties served by mail on 11/12/04. (na)
11/16/04	Appellants' motion filed by John Ashcroft, Asa Hutchinson, Paul H. O'Neill, David C. Iglesias and David F. Fry to stay execution of the mandate for 90 days. Original and 3 copies. c/s: y. (klp)
	* * * * *
11/17/04	Appellees' response filed by O Centro Espirita, Jeffrey Bronfman, Daniel Tucker, Christina barreto, Fernando Barreto, Christine Berman, Mitchel Berman, Jussari De Almeida Dias, Patricia Domingo, David Lenderts, David Martin, Maria Eugenia Pelaez, Bryan Rea, don St. John, Carmen Tucker, solar Law to Appellant's motion to stay execution of the mandate and

DATE	PROCEEDINGS
	submitted to the court. Original and 17 copies. c/s: y (na)
11/23/04	Order filed by Judges Tacha, Seymour, Porfilio, Ebel, Kelley, Henry, Briscoe, Lucero, Murphy, Hartz, O'Brien, McConnell, Tymkovich denying Appellant's motion to stay execution of the mandate. Judges Ebel, Kelly, Murphy and O'Brien voted to grant the motion and dissent from the decision to deny it. Parties served by mail. (na)
	* * * * *
11/30/04	Mandate issued. Mandate receipt due 12/30/04.
12/1/04	Order filed by Supreme Court directing that the mandate be and hereby is recalled and stayed pending further order of the Court. (klp)
12/2/04	Order filed by PF recalling the mandate [02-2323] per Supreme Court order. Mandate return due 12/13/04 for James A. Parker. Parties served by mail.
	* * * * *
12/10/04	Order filed by Supreme Court regarding application for stay. The temporary stay of 12/2/04 is vacated. Parties served by mail. (na)

DATE	PROCEEDINGS
	* * * * *
12/10/04	[1763985] Mandate reissued (see order). Mandate receipt due 1/10/05. (na)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

00-CV-01647

O CENTRO ESPIRITA, ET AL., PETITIONER

v.

JOHN ASHCROFT, ET AL., DEFENDANTS

DOCKET ENTRIES

DATES	DOCKET NUMBER	PROCEEDINGS
11/21/00 EOD — 11/27/00	1	*COMPLAINT* for Declaratory and Injunctive Relief (5 Summons(es) issued) (bap) (459k) Re: *ANSWER*
* * * * *		
12/22/00 EOD — 12/27/00	10	*MOTION* by pltfs for preliminary injunction (ild) (38k) Re: *NOTICE* *MEMORANDUM, OPINION, AND ORDER* *MEMORANDUM, OPINION, AND ORDER* *SUPPLEMENTAL* *SUPPLEMENTAL* *REPLY* *RESPONSE* *UNOPPOSED MOTION* *MEMORANDUM*

DATES	DOCKET NUMBER	PROCEEDINGS
12/22/00 EOD — 12/27/00	11	*MEMORANDUM* by pltfs in support of their motion for preliminary injunction (ild) (21k) Re: *MOTION for preliminary injunction** * *
* * * * *		
01/25/01 EOD — 01/26/01	15	*RESPONSE* by deft to mtn for preliminary injunction [10-1] (kd) (187k) Re: *EXHIBITS* *MOTION for preliminary injunction*
01/25/01 EOD — 01/26/01	16	*EXHIBITS* filed by defts re the response to the mtn for preliminary injunction (kd) (30k) Re: *RESPONSE*
* * * * *		
02/01/01 EOD — 02/02/02	18	*ANSWER* by defts to pltf's complaint [1-1] (ild) (225k) Re: *COMPLAINT*
* * * * *		

DATES		DOCKET NUMBER	PROCEEDINGS
02/12/01 EOD —	02/13/01	21	*REPLY* by pltfs to defts' response in opposition to pltfs' motion for preliminary injunction (ild) (1723k) Re: *MOTION for preliminary injunction* [10]
		* * * * *	
5/31/01 EOD —	6/01/01	38	*ORDER* by Chief Judge James A. Parker denying Santo Daime Church's moton for leave to file an amicus curiae brief in support of pltfs' application for preliminary injunction [23-1] (cc: all counsel*) [10k] Re: MOTION by amicus Santo Daime Church for [28k]
		* * * * *	
11/01/01		70	*TRIAL* brief (memorandum) submitted by pltfs (bap) (357k) Re: *SUPPLEMENTAL*
10/22/01 EOD —	11/13/01	71	*CLERK'S MINUTES:* be Chief Judge James A. Parker evidentiary hearing held (bap) (334k)
11/13/01 EOD —	11/13/01	72	*SUPPLEMENTAL* by pltfs re trial memorandum brief (bap) (285k) Re: *TRIAL*

DATES		DOCKET NUMBER	PROCEEDINGS
11/13/01 EOD —	11/19/01	73	*SUPPLEMENTAL* Trial Memorandum by pltfs in support of motion for preliminary injunction (bap) (406k) Re: *MOTION for preliminary injunction* [10]
11/16/01 EOD —	11/19/01	74	*TRIAL* briefs (memorandum) submitted by defts (bap) (801k)
11/16/01 EOD —	11/19/01	75	*SUPPLEMENTAL* Trial Memorandum by pltfs in support of motion for preliminary injunction (bap) (696k) Re: *MOTION* for preliminary injunction
		* * * * *	
08/12/02 EOD —	08/13/02	88	*MEMORANDUM, OPINION, AND ORDER*: by Chief Judge James A. Parker denying/granting in part pltfs' motion for preliminary injunction as further described herein and setting hrg on the form of preliminary injunction for 8/19/02 @ 1:30 pm (cc: all counsel) (bap) (1736k) Re: *NOTICE*
		* * * * *	

DATES		DOCKET NUMBER	PROCEEDINGS
11/13/02 EOD -	11/13/02	100	*PRELIMINARY INJUNCTION* by Chief Judge James A. Parker as described herein (cc: all counsel) (bap) (303k) Re: *NOTICE OF APPEAL*
		* * * * *	
11/25/02 EO11/25	11/27/02	106	*NOTICE OF APPEAL* by US Department of Justice, US Department of Treasury, Administrator of the Drug Enforcement Administration, US Attorney District of New Mexico and Resident Agent in charge of US Customs Service Office of Investigations in Albuquerque, NM from Dist. Court decision; Fees not necessary—Distribution as required (cc: all counsel) (pg) (37k) Re: LETTER TRANSCRIPT ACKNOWLEDGMENT *PRELIMINARY INJUNCTION*

DATES		DOCKET NUMBER	PROCEEDINGS
11/25/02 EOD —	11/27/02	107	MOTION and Memorandum by U.S. Department of Justice, US Department of Treasury, Administrator of the Drug Enforcement Administration US attorney for the District of New Mexico and Resident
12/02/02 EOC —	12/02/02	108	*RESPONSE* by plaintiff to motion to stay preliminary injunction pending appeal [107-1] [298k] RE: [107] MOTION and Memorandum [654] Agent in charge of US Customs Service Office of Investigations in Albuquerque to stay preliminary injunction pending appeal [654k] RE: [108] RESPONSE by plaintiff to motion to say [298k] RE: [109] MEMORANDUM OPINION, AND ORDER: by . . . [18K] RE: [110] CLERK'S MINUTES: before Chief Judge. . .[21k]

DATES		DOCKET NUMBER	PROCEEDINGS
12/02/02 EOD —	12/03/02	109	*MEMORANDUM, OPINION, AND ORDER*: by Chief Judge James A. Parker denying defts' motion to stay preliminary injunction appeal (cc: all counsel*) (bap) (19k) Re: *MOTION to stay preliminary injunction pending appeal*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CV-00-01647

O CENTRO ESPIRITA BENEFICIENTE UNIÃO DO VEGETAL, ET AL., PLAINTIFFS

v.

JANET RENO, ET AL., DEFENDANTS

PLAINTIFFS' ORIGINAL COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

This is a suit by a Christian religious organization and its members seeking (1) a declaratory judgment that Defendants' interpretation of the statutory and regulatory scheme of the Controlled Substances Act ("CSA"), 21 U.S.C. §§ 801-971 is unlawful and unconstitutional as applied to Plaintiffs in that it burdens their sacramental use of a tea known as *Hoasca* and resulted in Defendants acting beyond their legal authority in carrying out searches and seizures of Plaintiffs' property: (2) an order declaring that *Hoasca* is not a controlled substance under the CSA; (3) an order enjoining Defendants from applying the CSA against Plaintiffs for their sacramental use of the *Hoasca* tea; and (4) an order compelling the return and protection of property seized by federal officers.

PARTIES

1. O Centro Espìrita Beneficiente União do Vegetal ("UDV") is a religious organization duly formed under

the laws of Brazil, with its headquarters in Brasilia, Brazil. The corporate plaintiff in this case is the United States Branch of the UDV, O Centro Espìrita Beneficiente União do Vegetal (USA), Inc. ("UDV-USA"). UDV-USA is a New Mexico corporation whose principal office is in the District of New Mexico. UDV-USA brings this action on its own behalf and on behalf of all its members in the United States.

2. Plaintiff Jeffrey Bronfman is President and Representative Mestre of the UDV-USA and is a practicing member. He resides in the District of New Mexico. He brings this action on his own behalf as an adherent of UDV and as the duly authorized officer of UDV-USA.

3. Plaintiff Daniel Tucker is Vice President and a Mestre of the UDV-USA and is a practicing member. He resides in Colorado.

4. Plaintiff Christina Barreto is Secretary and a Counselor of the UDV-USA and is a practicing member. She resides in Texas.

5. Plaintiff Fernando Barreto is Treasurer and a Counselor of the UDV-USA and is a practicing member. He resides in Texas.

6. Plaintiff Christine Berman is a Counselor of the UDV-USA and is a practicing member. She resides in California.

7. Plaintiff Mitchel Berman is a Counselor of the UDV-USA and is a practicing member. He resides in California.

8. Plaintiff Jussara de Almeida Dias is a Counselor of the UDV-USA and is a practicing member. She resides in New Mexico.

9. Plaintiff Patricia Domingo is a Counselor of the UDV-USA and is a practicing member. She resides in California.

10. Plaintiff David Lenderts, M.D., is a practicing member of the UDV-USA and a resident of Colorado.

11. Plaintiff David Martin, M.D., is a Counselor of the UDV-USA and is a practicing member. He resides in the state of Washington.

12. Plaintiff Maria Eugenia Pelaez is a Counselor of the UDV-USA and is a practicing member. She resides in Colorado.

13. Plaintiff Bryan Rea is a Counselor of the UDV-USA and is a practicing member. He resides in Colorado.

14. Plaintiff Don St. John is a Counselor of the UDV-USA and is a practicing member. He resides in the state of Washington.

15. Plaintiff Carmen Tucker is a Counselor of the UDV-USA and is a practicing member. She resides in Colorado.

16. Plaintiff Solar Law is a Counselor of the UDV-USA and is a practicing member. He resides in New Mexico.

17. Defendant Janet Reno is the Attorney General of the United States. She is sued in her official capacity only, in which capacity she is responsible for the enforcement of the CSA. Pursuant to 28 U.S.C. § 1391(e), she may be served by certified mail at the United States Department of Justice, 5111 Main Justice Building, 10th St. and Constitution Ave. N.W., Washington, D.C. 25030.

18. Defendant Donnie R. Marshall is Administrator of the United States Drug Enforcement Administration ("DEA"). He is sued in his official capacity only, in which capacity he is responsible for enforcing and administering the CSA and for promulgating regulations implementing the CSA. Pursuant to 28 U.S.C. § 1391(e), he may be served by certified mail at the DEA, 2401 Jefferson Davis Highway, Alexandria, VA 22301.

19. Defendant Lawrence H. Summers is Secretary of the Department of Treasury of the United States. He is sued in his official capacity only, in which capacity he is responsible for enforcing the customs laws, including CSA provisions governing the importation of controlled substances. Pursuant to 28 U.S.C. § 1391(e), he may be served by certified mail at 3330 Main Treasury Building, 1500 Pennsylvania Ave. N.W., Washington, D.C. 20220.

20. Defendant Norman Bay is the United States Attorney for the District of New Mexico. He is sued in his official capacity only, in which capacity he is responsible for prosecutions under the CSA in this District. His residence in his official capacity is at U.S. Attorney's Office, 201 Third Street, N.W., Suite 900, Albuquerque, NM 87102, where he may be served with process.

21. Defendant John O'Toole is the Resident Special Agent in Charge of the United States Customs Service Office of Criminal Investigation in Albuquerque, New Mexico. He is sued in his official capacity only, in which capacity he is responsible for criminal investigations relating to the laws and regulations enforced by the United States Customs Service, including the CSA. His residence in his official capacity is at 5700 Harper

Dr. N.E., Suite 230, Albuquerque, New Mexico 87109 where he may be served with process.

JURISDICTION

22. This Court has jurisdiction under 28 U.S.C. § 1331 because the action arises under the laws and Constitution of the United States. Plaintiffs seek a determination under the standards of the Religious Freedom Restoration Act ("RFRA"), 42 U.S.C. §§ 2000bb-2000bb(4) and the First, Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution of the lawfulness and constitutionality of Defendants' interpretation of the CSA, 21 U.S.C. §§ 801-971, and its implementing regulations as applied to Plaintiffs. This Court is authorized to grant declaratory relief by the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202. The Court is authorized to grant preliminary and permanent injunctive relief under Fed. R. Civ. P. 65.

VENUE

23. Venue is proper in this Court under 28 U.S.C. § 1391(e) because: (a) all Defendants are officers and employees of the United States and its agencies and were at all relevant times acting in their official capacities and under color of legal authority; (b) at least one Defendant officially resides in this District; (c) the cause of action arose in this District; and (d) a Plaintiff resides in this District and no real property is at issue.

FACTUAL ASSERTIONS

24. The UDV is the religion of the UDV-USA and is protected both by the First Amendment to the United States Constitution and by RFRA, 20 U.S.C. §§ 2000bb-2000bb(4).

25. All of the individual Plaintiffs and all U.S. members of the UDV are sincere adherents of the teachings of the UDV and, in particular, to the UDV's teachings concerning the use of *Hoasca*.

26. As a necessary and essential part of the UDV religious practice, the church members receive communion through the *Hoasca* tea, also known as the *Vegetal*, in their religious ceremonies. The religious use of the *Hoasca* tea is legally recognized and protected under the laws of Brazil. *See* Opinions of Brazil's Federal Narcotics Council ("CONFEN") (1986 & 1992); Certification from Attorney General for Citizens Rights of Brazil, Dec. 20, 1999.

27. The *Hoasca* tea is made by boiling parts of two plants, *Banisteriopsis Caapi* (known as *Mariri*) and *Psychotria Viridis* (known as *Chacrona*) in water during a ceremony. The Plaintiffs consider the plant concoction made in accordance with this process to be the sacrament *Hoasca* if it has been prepared during an official ceremony of the UDV known as a *preparo*. Trained religious leaders, known as *mestres*, always supervise the preparation of the sacramental tea during the *preparos*.

28. It is a central and essential tenet of the UDV that its members receive communion by partaking of *Hoasca* tea as a sacrament during religious rites. Through receiving the sacrament of the *Hoasca*, UDV adherents receive the Divine Holy Spirit. For disciples of the UDV, the spirit of the *Hoasca*, a manifestation of Divinity, is present within the tea.

29. These sessions of ritual communion constitute the core forum for the teachings of the religion. Many UDV teachings essential for the followers of this

religion to know and understand may only be given in rituals in which the sacrament of the *Hoasca* tea is received.

30. Because UDV considers the *Hoasca* tea to be its central sacrament, a prohibition against partaking in the sacramental ingestion of the tea in the United States would completely prevent UDV members from freely practicing their religion here.

31. While many of the UDV-USA members are American citizens, many such members include Brazilian nationals who reside in the United States and who were either raised within the UDV religion or who have practiced it for decades. These individuals migrated to the United States with the confidence that the United States's tradition of religious tolerance would permit them to continue to exercise their religion freely.

32. UDV has in place methods of controlling and accounting for the receipt and dissemination of all *Hoasca* in the United States. UDV maintains strict internal controls to ensure that the *Hoasca* sacrament is never used or available outside the context of UDV's sacramental rites.

33. It is alleged that the *Hoasca* tea contains a very small quantity of NN dimethyltryptamine ("DMT"). The Defendants have taken the position with respect to the UDV's use of the *Hoasca* tea that plant material contained in the tea is a Schedule I controlled substance pursuant to 21 U.S.C. § 812(c)(I)(c)(6) and 21 C.F.R. § 1308.11(d)(16) (1999). Severe civil and criminal penalties are prescribed for, *inter alia*, the unlawful importation, possession and distribution of DMT, pursuant to 21 U.S.C. §§ 841-844.

34. Scientists have conducted research on the use of the *Hoasca* tea within the religious context of the UDV and have concluded that the tea is non-addictive, is not harmful to human health, and poses none of the risks commonly found with the use of certain controlled substances. Also, anthropological research has shown that this tea has been used safely in religious contexts for more than 1,500 years.

35. On information and belief, the Defendants interpret the CSA to bar the use of the *Hoasca* tea for sacramental reasons by UDV members. Consistent with such an interpretation, on May 21, 1999, federal officers intercepted a shipment of *Hoasca* sent by the UDV in Brazil to the UDV-USA in care of its President, Mr. Jeffrey Bronfman, Plaintiff, at 176 Valley Dr., Santa Fe, New Mexico.

36. As Representative Mestre of the UDV-USA, Mr. Bronfman is authorized by the UDV to take custody of *Hoasca* and oversee its sacramental use by members of the UDV.

37. After the officers intercepted the shipment of *Hoasca*, Customs Special Agent DeFago obtained a warrant to search Mr. Bronfman's office at 176 Valley Dr., Santa Fe, New Mexico and to seize designated property if found at his office.

38. Mr. Bronfman's office also housed, and continues to house, the United States administrative office of the UDV-USA.

39. On May 21, 1999, federal officers executed the warrant as directed by Special Agent DeFago. Among the officers present were Special Agent B.H. Reimann of the United States Customs Service and other unknown federal agents.

40. The agents searched the premises designated in the warrant and seized, among other things, records and other documents belonging to the UDV-USA, a quantity of the *Hoasca* sacrament and personal papers of Mr. Bronfman.

41. To date, government officers have not arrested any of the Plaintiffs nor charged them with any crime as a result of the interception and seizure of *Hoasca*.

42. However, the U.S. Attorney's Office has conveyed to Plaintiffs that it is considering prosecution of UDV-USA members for violation of the provisions of the CSA barring importation, possession and distribution of DMT, based on the assumption that the plant material in the *Hoasca* contains a small quantity of DMT.

43. Moreover, Defendants have informed Plaintiffs that Defendants are considering destroying the seized *Hoasca* tea and will not provide any assurance to Plaintiffs that it will protect their sacrament.

44. As a result of the seizure of the *Hoasca*, as well as the threat of criminal prosecution, UDV-USA has been compelled to suspend the practice of their religion in the United States. The suspension took effect on May 22, 1999, immediately after the seizure at the Bronfman UDV-USA office. Plaintiffs' counsel has earnestly sought to obtain Defendants' agreement that they will not seek criminal action against Plaintiffs. After numerous discussions and meetings spanning the last year and one half, Defendants had repeatedly promised that a decision was imminent. Plaintiffs had abstained from taking legal action against Defendants because Defendants led them to believe that there was hope Defendants might agree that the law protected

their religious practice. However, Defendants having failed and refused to deliver a decision, are effectively denying Plaintiffs' request. Thus, the time lag between the seizure of the *Hoasca* tea and the filing of this action is attributable to Defendants' delay in this regard. The actions of the Defendants have had a chilling and prohibitive effect on Plaintiffs' exercise of their religion.

45. The Defendants' threat to destroy the *Hoasca* is causing Plaintiffs to suffer both psychologically and spiritually because they consider any such destruction to be sacrilegious and blasphemous.

46. UDV leaders believe the threat of criminal prosecution is real, and rather than risk prosecution they have discontinued the sacramental use of the *Hoasca* tea in the United States.

47. The discontinuation of the sacramental use of the *Hoasca*, the threat of the destruction of the seized *Hoasca*, and the threat of criminal prosecution for engaging in UDV devotional practices substantially burdens the practice of the UDV religion within the meaning of the law. Without the sacrament, the religion would cease to exist in this country. Indeed, UDV members have already experienced calamitous disruption in their religious practices as a result of the prolonged deprivation of the *Hoasca* sacrament.

48. CSA regulations expressly exempt peyote from the CSA listing of Schedule I controlled substances for members of the Native American Church ("NAC") and those who supply peyote to NAC members. *See* 21 C.F.R. § 1307.31. No such exemption exists for Plaintiffs' use of *Hoasca*.

49. The CSA contains other exceptions permitting the use of controlled substances for purposes such as scientific research and medical use. *See, e.g.*, 21 U.S.C. § 823, 21 C.F.R. §§ 291.505, 1301.26, 1301.32, 1301.34.

COUNT ONE

Violation of the Religious Freedom Restoration Act

50. Congress passed the Religious Freedom Restoration Act in 1993 to prevent the government from burdening the free exercise of religion unless it had a compelling governmental interest in doing so and it accomplished its goal by the least restrictive means.

51. The Defendants consider the sacramental use, including possession, distribution and importation of the *Hoasca* tea by UDV members to be a criminal act barred by the CSA and regulations adopted pursuant to that Act.

52. Defendants' interpretation of CSA substantially burdens Plaintiffs' exercise of their religion.

53. Defendants' criminalization of Plaintiffs' sacramental use of *Hoasca* serves no compelling governmental interest.

54. Even assuming that Defendants' interpretation of the CSA did serve a compelling governmental interest, a complete ban on the sacramental use of the *Hoasca* tea by UDV members is not the least restrictive means of furthering any such interest.

55. For these reasons, Defendants have violated the statutory rights of UDV members embodied in RFRA, 42 U.S.C. § 2000bb-1(a) (1999).

COUNT TWO

Violation of First Amendment of U.S. Constitution

56. The framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution. The Free Exercise Clause of the First Amendment provides that Congress shall make no law "prohibiting the free exercise" of religion.

57. In *Employment Division, Dept. of Human Resources of Oregon* v. *Smith*, 494 U.S. 872 (1990), the U.S. Supreme Court held that a law imposing a substantial burden on religion need not be justified by a compelling governmental interest if it is neutral and of general applicability. However, if that law is either not neutral or is not one of general applicability, it must be justified by a compelling governmental interest that is narrowly tailored to advance that interest.

58. The statutory and regulatory scheme of the CSA is not neutral because it favors the NAC faith above other religions, including that of UDV members.

59. Likewise, the statutory and regulatory scheme of the CSA is not a law of general applicability because it provides immunity to NAC members from the penalties of the CSA, but does not provide immunity to Plaintiffs who are similarly situated.

60. The CSA also provides for numerous other exemptions for scientific research, medical purposes and other circumstances unrelated to the central religious issue raised here. It is therefore in no sense a law of general applicability.

61. Defendants have no compelling governmental interest in applying the CSA to criminalize Plaintiffs' religious use of *Hoasca*.

62. Even if it were assumed that Defendants had a compelling governmental interest in restricting the use of *Hoasca* through the CSA, such an interest could be furthered without prohibiting Plaintiffs' religious use of *Hoasca*. Thus, any such governmental interest could be furthered through less restrictive means.

63. For these reasons, Defendants have violated the First Amendment rights of Plaintiffs.

COUNT THREE

Violation of Equal Protection Clause of the U.S. Constitution

64. Plaintiffs are similarly situated to NAC members in their sacramental use of a substance considered a Schedule I controlled substance under the CSA. Nevertheless, Defendants have refused to accord the same deference to Plaintiffs.

65. Consequently, the Defendants' decision to allow the members of the NAC to use peyote for religious purposes, while denying the same protection to Plaintiffs, violates the Equal Protection rights of Plaintiffs guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution.

COUNT FOUR

Improper Application of Controlled Substances Act to *Hoasca*

66. Implicit in Defendants' actions complained of herein is Defendants' assumption that the *Hoasca* tea is covered by the CSA as a controlled substance.

67. The CSA does not list *Hoasca*, or the plants from which it is derived, in Schedule I or anywhere else in the Act as a controlled substance.

68. Instead, Defendants assume that because DMT can be extracted from the plant materials used to prepare the tea, the plant materials themselves are Schedule I controlled substances.

69. However, where Congress has sought to designate a plant, rather than a chemical substance, as one restricted under the CSA, it has done so explicitly. For example, the CSA lists the peyote cactus as a Schedule I controlled substance. The CSA lists the chemical agent found in peyote, mescaline, separately.

70. Accordingly, had Congress wanted to designate *Hoasca* as a controlled substance, it would have expressly done so. Congress has made it clear that the scheduling of a chemical does not automatically mean that the plant found to endogenously contain this chemical is scheduled as well.

71. *Hoasca* is made from brewing in water two plants, neither of which is scheduled under the CSA. What is ritually created from this br w is, at a scientific level, a plant concoction not listed under the CSA.

72. *Hoasca* is not a controlled substance.

73. Based upon the erroneous and unlawful determination that *Hoasca* is a controlled substance under the CSA, Defendants have considered criminally prosecuting some or all of Plaintiffs for past possession, distribution and/or importation of the *Hoasca*, have threatened to criminally prosecute Plaintiffs for any future possession, distribution and/or importation of *Hoasca*, have intercepted the shipment of *Hoasca* to Mr. Bronfman on or about May 21, 1999; have searched

the Bronfman UDV-USA premises at 176 Valley Dr., Santa Fe, New Mexico; and have seized additional *Hoasca* from those premises and other items on that same day.

74. Defendants' erroneous assumption that *Hoasca* is a controlled substance makes all of the actions described in the preceding paragraph beyond the authority of Defendants and thus unlawful.

COUNT FIVE

Violation of Fourth Amendment

75. There was no fair probability that contraband or evidence of a crime would be found in the container intercepted by Defendants on May 21, 1999 or in the Bronfman UDV-USA offices because possession, receipt and use of *Hoasca* is not unlawful inasmuch as it is not a controlled substance under the CSA.

76. Thus, Defendants had no probable cause to intercept the *Hoasca* shipment on or about May 21, 1999, to search the Bronfman UDV-USA premises at 176 Valley Dr., Santa Fe, New Mexico, or to seize the additional *Hoasca* and other items at these premises.

77. Because Defendants searched and seized the *Hoasca* and other items without probable cause, such search and seizure violated Plaintiff's Fourth Amendment right to be free from unlawful search and seizure.

COUNT SIX

Violation of Fifth Amendment

78. Defendants have seized the *Hoasca* and other items described above from Plaintiffs to assert ownership and control of the property.

79. Defendants provided Plaintiffs no notice or hearing before seizing these items.

80. No extraordinary circumstances justified the failure to provide Plaintiffs pre-deprivation notice and hearing.

81. The seizure of the *Hoasca* and other items deprived Plaintiffs of their rights of ownership and possession of the items and sacramental consumption of the *Hoasca*, in particular, and constituted a violation of the Plaintiffs' rights under the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

COUNT SEVEN

Administrative Procedure Act

82. Defendants' conduct as set forth above constitutes agency action that is: (a) arbitrary and capricious, an abuse of discretion and otherwise not in accordance with the law; (b) contrary to Plaintiffs' constitutional and statutory rights; (c) in excess of statutory jurisdiction and authority; and (d) without observance of procedures required by law. Such action should be set aside and declaratory and injunctive relief provided under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

COUNT EIGHT

Violation of International Law and Treaties

83. As alleged, Brazil officially and expressly permits UDV members in Brazil to use *Hoasca* tea for religious purposes. *See* Opinions of Brazil's Federal Narcotics Council ("CONFEN") (1986 & 1992); Certification from Attorney General for Citizens Rights of Brazil, Dec. 20, 1999.

84. The doctrine of comity, as established under international law and recognized in the United States, encourages deference to foreign legal and political judgments to foster international cooperation and encourage reciprocity between the United States and other countries. *See Spatola* v. *United States*, 925 F.2d 615, 618 (2d Cir. 1991).

85. Federal agencies regularly invoke the doctrine of comity as a guide for decisions that touch on foreign interests.

86. Where "fairly possible," a United States statute should be construed so as not to conflict with international law or an international agreement of the United States. *See* Restatement (Third) of Foreign Relations Law § 114.

87. The United States is a signatory to the United Nations International Covenant on Civil and Political Rights ("ICCPR"), which ensures the freedom of everyone to "have or to adopt a religion of his choice, and freedom, either individually or in the community of others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching." ICCPR, 138 Cong. Rec. S4781-84 (1992).

88. The United States has also endorsed the Universal Declaration of Human Rights, which protects the rights of individuals not only to believe as they wish, but also to "manifest" that belief through practice, including "ceremonial acts" and "participation in rituals." *See* U.N. Human Rts. Comm., General Comment No. 22, p. 4 (1993).

89. Finally, the United States Congress has recently passed the International Religious Freedom Act ("IRFA"), Pub. L. No. 105-292, 112 Stat. 2788 (1998),

codified at 22 U.S.C. §§ 6401-6481. IRFA establishes as United States policy the promotion of freedom of religion and cooperation with foreign governments "that affirm and protect religious freedom, in order to develop multilateral . . . initiatives to . . . promote religious freedom abroad."

90. These laws make clear that it is not only "fairly possible" for the United States to defer to Brazilian law permitting the religious use of *Hoasca*, but that domestic and international law, in fact, require such deference.

91. Under these circumstances, Defendants' interpretation of the CSA forbidding the religious use of *Hoasca* by Plaintiffs in the United States clearly violates the doctrine of comity, treaties to which the United States has endorsed, and domestic law.

COUNT NINE

Declaratory Judgment

92. Defendants' interpretation of the CSA as considering *Hoasca* to be a controlled substance as well as forbidding the sacramental use of *Hoasca* by Plaintiffs, as explained in the above Counts, creates an actual controversy within the meaning of 28 U.S.C. § 2201(a).

93. For these reasons, Plaintiffs are entitled to a declaratory judgment that all of the above described actions were and are unlawful and to such additional declaratory relief as described in Plaintiffs' Prayer for Relief.

PRAYER FOR RELIEF

For the reasons set forth above, Plaintiffs seek the following relief:

1. A judgment declaring that Defendants' interpretation of the CSA as barring Plaintiffs' sacramental use of *Hoasca* violates RFRA, 42 U.S.C. §§ 2000bb-2000bb(4), the First and Fourth Amendments to the U.S. Constitution, the Equal Protection Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution and international law.

2. A judgment declaring that the CSA does not apply to *Hoasca* or the plants from which it is derived.

3. A judgment declaring that federal agents who intercepted and seized the *Hoasca* shipment on or about May 21, 1999, and who searched the premises at 176 Valley Dr., Santa Fe, New Mexico, and then seized additional *Hoasca* acted beyond the bounds of their legal authority because *Hoasca* is not a controlled substance under the terms of the CSA.

4. A judgment declaring that the interception and seizure by federal agents of the *Hoasca* on or about May 21, 1999, as well as their search of the premises at 176 Valley Dr., Santa Fe, New Mexico, and resulting additional seizure of *Hoasca* constituted a violation of RFRA and the Administrative Procedure Act as well as the constitutional rights of Plaintiffs under the First, Fourth, Fifth, and Fourteenth Amendments.

5. An order enjoining Defendants from enforcing the CSA against any Plaintiff anywhere within the jurisdiction of the federal courts of the United States for the sacramental use of the *Hoasca* tea, including its possession, consumption, distribution and importation for this purpose.

6. An order compelling Defendants to return to Plaintiff Bronfman the *Hoasca* the United States Customs Service intercepted on or about May 21, 1999, and

all things seized from the premises at 176 Valley Dr., Santa Fe, New Mexico.

7. An order compelling Defendants to protect the *Hoasca* intercepted on or about May 21, 1999, and seized from 176 Valley Dr., Santa Fe, New Mexico, and prohibiting Defendants from removing, destroying or harming the *Hoasca* in any way.

8. Attorneys fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504.

9. Such other and further relief as is warranted.

Respectfully submitted,

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CLINE, P.A.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

No. CV 00-1647 JP/RLP

O CENTRO ESPIRITA BENEFICIENTE UNIAO DO VEGETAL, ET AL., PLAINTIFFS

v.

ERIC HOLDER, ET AL., DEFENDANTS

[Filed: Feb. 1, 2001]

ANSWER TO PLAINTIFFS' ORIGINAL COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Defendants Eric Holder, Donnie R. Marshall, Paul H. O'Neill, Norman Bay, and John O'Toole hereby answer Plaintiffs' Original Complaint for Declaratory and Injunctive Relief (hereinafter "Complaint") as follows.[1]

First Defense

Plaintiffs' Complaint fails to state a claim for which relief can be granted.

Second Defense

Defendants answer the numbered paragraphs of Plaintiffs' Complaint as follows:

1. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

---

[1] Substitution of Eric Holder as Acting Attorney General and Paul H. O'Neill as Secretary of the Treasury is automatic under Fed. R. Civ. Proc. 25(d)(1).

2. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

3. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

4. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

5. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

6. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

7. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

8. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

9. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

10. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

11. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

12. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

13. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

14. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

15. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

16. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

17. Deny that Janet Reno is the Attorney General of the United States; aver substitution of Eric Holder as Acting Attorney General, pursuant to Fed. R. Civ. P. 25(d)(1). Admit the reminder of the paragraph as applied to the Acting Attorney General.

18. Admit.

19. Deny that Lawrence H. Summers is the Secretary of the Department of Treasury of the United States; aver substitution of Paul H. O'Neill pursuant to Fed. R. Civ. P. 25(d)(1). Admit the remainder of the paragraph as applied to Secretary O'Neill.

20. Admit.

21. Admit.

22. The first, third, and fourth sentences present legal conclusions to which no response is required. The second sentence presents a characterization of this action to which no response is required.

23. Admit.

24. Defendants lack information sufficient to admit or deny whether "the UDV is the religion of the UDV-USA." The allegation that the UDV "is protected by both the First Amendment and the United States Constitution and by RFRA, 20 U.S.C. §§ 2000bb-2000bb(4)" is a legal conclusion to which no response is required.

25. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

26. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

27. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

28. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

29. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

30. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

31. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

32. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

33. Deny the first sentence, except to admit that the Hoasca tea contains N,N dimethyltryptamine ("DMT"). Deny the second sentence, except to admit that one of the plants allegedly used to make Hoasca tea and the tea itself contain DMT and are therefore covered under Schedule I of the Controlled Substances Act. Admit the third sentence.

34. Deny the first sentence to the extent it alleges that scientific research has established that the tea is non-addictive, is not harmful to human health, and poses none of the risks commonly found with the use of certain controlled substances. Deny the second sentence, inasmuch as it alleges that anthropological research has established that the tea has been used safely in religious contexts for more than 1,500 years.

35. Deny the first sentence, except to admit that the CSA prohibits the importation, possession, and distribution of materials containing DMT, such as Hoasca, for purposes other than those specified in the Act. Deny the second sentence, except to admit that on or around May 21, 1999, U.S. Customs officials intercepted a shipment of Hoasca from a foreign shipper listed as "Centro

Espirita Beneficiente Uniao do Vegetal, Brazil" to a consignee listed as "Centro Espirita Beneficiente Uniao do Vegetal," 176 Valley Drive Santa Fe, New Mexico.

36. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

37. Deny, except to admit that after the U.S. Customs officials intercepted the shipment of Hoasca, Customs Special Agent DeFago obtained a warrant to search the premises at 176 Valley Drive, Santa Fe, New Mexico and to seize designated items if found at those premises.

38. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

39. Admit.

40. Deny, except to admit that U.S. Customs officials searched the premises designated in the warrant and seized a quantity of the Hoasca tea and certain records, documents, and papers.

41. Admit.

42. Deny, except to admit that the U.S. Attorney's Office has refused to provide the assurances requested by Plaintiffs' counsel that it will not prosecute past, present, or future violations of the CSA by UDV members based on their importation, possession, or distribution of Hoasca.

43. Deny that Defendants have informed Plaintiffs that Defendants are considering destroying the seized Hoasca tea; admit that Defendants have not provided any assurance to Plaintiffs that Defendants "will protect their sacrament."

44. Defendants lack information sufficient to admit or deny the allegations contained in the first and second sentences. Admit the third sentence to the extent that it alleges that Plaintiffs' counsel has sought to obtain the agreement of the United States Attorneys Office for the District of New Mexico that it will not initiate prosecution against Plaintiffs. Deny the fourth sentence, except to admit that the United States Attorneys Office for the District of New Mexico has had several discussions and meetings with Plaintiffs' counsel. Deny the fifth sentence, except to admit that Plaintiffs have not heretofore taken legal action against Defendants. Deny the sixth, seventh, and eighth sentences.

45. Deny that Defendants are threatening to destroy the tea. Defendants lack information sufficient to admit or deny the remaining allegations contained in this paragraph.

46. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

47. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

48. Admit the first sentence inasmuch as alleges that 21 C.F.R. § 1307.31 provides that the listing of peyote as a controlled substance in Schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the Native American Church. Admit the second sentence.

49. Deny, except to admit that the CSA permits the use of controlled substances for delineated purposes, including certain scientific research and medical uses.

50. Admit that the Religious Freedom Restoration Act, which Congress passed in 1993, provides that the government shall not substantially burden a person's

exercise of religion unless it does so in furtherance of a compelling government interest and by the least restrictive means. The remainder of the paragraph presents a characterization of Congressional intent to which no response is required.

51. Deny, except to admit that the CSA and its implementing regulations prohibit the importation, possession, and distribution of materials containing DMT, such as Hoasca, for uses other than those specified in the Act.

52. Defendants lack information sufficient to admit or deny the allegation contained in this paragraph.

53. Deny.

54. Deny.

55. Deny.

56. The first sentence presents a characterization of the intent of the framers of the Constitution to which no response is required. Admit the second sentence.

57. This paragraph contains a characterization of *Employment Division, Dep't of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), to which no response is required.

58. Deny.

59. Deny.

60. Deny, except to admit that the CSA permits the use of controlled substances for delineated purposes, including certain scientific research and medical uses. Deny the second sentence.

61. Deny.

62. Deny.

63. Deny.

64. Deny.

65. Deny.

66. Deny, except to admit that the CSA and its implementing regulations prohibit the importation, possession, and distribution of materials containing DMT, such as Hoasca, for uses other than those specified in the Act.

67. Admit that Schedule I does not list hoasca or the plants from which it is derived by name; deny that hoasca and the plants from which it is derived are not covered under Schedule I.

68. Deny, except to admit that one of the plants allegedly used to prepare the tea and the tea itself are covered under Schedule I as materials that contain DMT.

69. Deny, except to admit that Congress scheduled certain plants. Admit the second sentence, except for the allegation that it is an "example" of the allegation contained in the first sentence. Admit the third sentence.

70. Deny.

71. Deny the first sentence to the extent it alleges that the plants used to make Hoasca are not covered under the CSA. Deny the second sentence to the extent it alleges that the plant concoction in question is not covered under the CSA.

72. Deny.

73. Deny, except to admit that the United States Attorneys Office for the District of New Mexico has refused to provide the assurances requested by Plain-

tiffs' counsel that it will not prosecute past, present, or future violations of the CSA by UDV members who import, possess, and/or distribute Hoasca; and that United States Customs officials intercepted the shipment of Hoasca to Mr. Bronfman on or about May 21, 1999, searched the premises at 176 Valley Dr., Santa Fe, New Mexico, and seized additional Hoasca and other items from those premises on that same day.

74. Deny.

75. Deny.

76. Deny.

77. Deny.

78. Deny, except to admit that U.S. Customs officials seized the Hoasca and other items to assert custody and control over them.

79. Admit.

80. Deny.

81. Deny.

82. Deny.

83. Defendants lack information sufficient to admit or deny the allegations contained in this paragraph.

84. This paragraph presents a characterization of a legal doctrine to which no response is required.

85. Deny, except to admit that, where appropriate, federal agencies invoke the doctrine of comity as a guide for decisions that touch on foreign interests.

86. This paragraph presents a legal conclusion to which no response is required.

87. Deny, except to admit that the United States is a signatory to the United Nations Covenant on Civil and

Political Rights ("ICCPR"), which requires signatories to undertake to ensure that "[e]veryone shall have the right to . . . have or adopt a religion or belief of his choice, and freedom, either individually or in the community of others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching," subject to "such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others." ICCPR 138 Cong. Rec. S4781-84.

88. Deny, except to admit that the United States has endorsed the Universal Declaration of Human Rights, which asserts that individuals should be able to manifest their religious belief through practice, subject to "such limitations as are determined by law" for the purpose of "securing recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society." UDHR art. 29 ¶ 2.

89. Admit the first sentence. The second sentence presents a characterization of a statute to which no response is required.

90. Deny.

91. Deny.

92. This paragraph presents a legal conclusion to which no response is required.

93. Deny.

Defendants deny that Plaintiffs are entitled to the requested relief or to any relief whatsoever. Wherefore, having answered Plaintiffs' complaint, Defendants request that the complaint be dismissed with prejudice,

and that Defendants be granted their costs and such other relief as the Court deems proper.

Dated: January 30, 2001

Respectfully submitted,

STUART E. SCHIFFER
Acting Assistant Attorney General

NORMAN BAY
United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Answer to Plaintiffs' Original Complaint was served this 30th day of January, 2001, by first-class mail, upon counsel for the plaintiffs as follows:

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/s/ ELIZABETH GOITEIN
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[Plaintiffs' Exh. A]

DECLARATION OF JEFFREY BRONFMAN

1. My name is Jeffrey Bronfman. I am a U.S. citizen, and I reside in Santa Fe, New Mexico. I make this declaration on behalf of myself and the Centro Espirita Beneficente União do Vegetal ("UDV"). I am a member of the UDV and believe in the doctrine of that church. As I describe in detail below, I have been unable to practice my religion in the United States for more than a year and a half.

2. My current position is the Representative Mestre of the UDV in the United States. That position is the head religious and administrative authority of the UDV in the U.S.

3. I have never been convicted or indicted of any crime under any federal or state law, or under the laws of any foreign nation.

4. I consider it an honor and privilege to be in the position of introducing my religion to the government and people of the United States. I see the UDV as a Light in this world, bringing wisdom, understanding, hope, comfort and peace into the lives of its practitioners.

5. The UDV was reestablished in a time and place of great suffering, and poverty. It appeared among people who lived in near slavery in almost unimaginably harsh and difficult living conditions in the rainforests of Brazil in the 1950's. Today, its goodness has reached the society of the greatest influence and political power in the world, a country of unprecedented material and technological accomplishment.

6. The bringing of this institution of goodness and spiritual wisdom into our society has been conducted with great care, respect and humility. It is because I have believed and trusted in the noble principles on which this country was founded that I have accepted this mission under tremendous personal strain, and considerable legal risk. I have done so because I believe in the beauty and truth of this religious practice, and the good it can bring to our country and to the world.

The UDV in Brazil

7. The UDV originated in Brazil, and its headquarters are in Brasilia, the capital of that country. Jose Gabriel da Costa, known as Mestre Gabriel, founded the UDV in 1961 when he worked as a rubber tapper in the Amazon Rainforest.

8. The UDV in Brazil has nearly 8,000 members, who belong to more than eighty congregations, called "nucleos" (or, in English, nuclei). UDV nuclei exist in almost every part of Brazil. The UDV has organized its nuclei into fifteen geographic regions in Brazil, and all of the nuclei are under the administrative and doctrinal supervision of UDV headquarters in Brasilia.

9. The UDV leadership in Brasilia exercises strict hierarchical control over all UDV congregations and members. The UDV carefully trains its clergy in all facets of church doctrine and ceremony, including the safe and controlled preparation and administration of the sacramental Hoasca tea.

10. The church administration in Brasilia has several permanent departments that oversee the theological, financial and charitable activities of the UDV congregations. The highest individual authority in the UDV is

the General Representative Mestre, who is elected by the Administrative Council of the UDV to a three-year term of office.

The Origins and Development of the UDV in the United States

11. The first session of the UDV in the United States took place in the summer of 1988 in Norwood, Colorado. At that time, Dr. David Lenderts, who had encountered the religion while in Brazil, invited two Brazilian UDV mestres to come to the U.S. to perform a ceremony. The UDV's headquarters in Brasilia authorized the visit.

12. I became personally aware of the UDV in 1989, when the two Brazilian mestres returned to the United States with a proposal to acquire and preserve a section of the Brazilian rainforest. At that time, I was working as the director of a foundation committed to ecological preservation, and I became interested in the proposal. I did not attend a UDV ceremony in 1989, however.

13. In 1990, I assisted the administration of the UDV in the formation of a new ecological association in Brazil, and in July of 1990 I traveled to Brazil to explore the area of the proposed preserve and to assist in its acquisition. It was on that trip that I first attended a UDV ceremony and drank the Hoasca tea. I was very moved and inspired by what I witnessed.

14. In 1992, I returned to Brazil to continue to learn more about the UDV. I associated on the 22nd of February, 1992, in the city of Rio Branco in the Brazilian state of Acre. As a result of my decision, as well as my desire to study and learn the teachings of the church in depth (which required that I learn the Portuguese language), I made four trips to Brazil during that year.

15. In September 1992, I invited two mestres from Brazil to speak about spirituality and ecology at an environmental conference I was organizing in Santa Fe, New Mexico. The mestres directed UDV sessions in California and New Mexico and were impressed with the sincerity, interest and seriousness of the attendees. On this basis, the General Headquarters agreed to send mestres to the U.S. to direct sessions every three months.

16. In November 1992, I was convoked into the Instructive Body of the UDV in Brazil. This is the level of the church hierarchy within which future mestres and counselors are trained. The decision to convoke me was carefully considered by mestres who were members of the council of the highest spiritual authority in the UDV. This honor and responsibility were extended to me because of the seriousness and dedication with which I was seeking to learn and understand the doctrine of the UDV, as well as the degree of my spiritual development as perceived, through my conduct, by these older mestres. Significantly, the decision to convoke me into this body was reached after also considering the level of proficiency I had acquired with the Portuguese language.

17. There is a body of teachings within the UDV that is presented only in Instructive Sessions. These sessions are conducted entirely in Portuguese. In order for a disciple to reach a level where he or she can receive this knowledge, he or she must first demonstrate, through conduct, a high level of dedication, respect and obedience to the laws of the church. To reach this level, a person from the United States must also learn to speak a new language. This would be the equivalent of a serious student of Catholic theology being

required to learn Latin, a Jewish person studying Hebrew to read the Torah, or a student of the ancient Vedic scriptures learning Sanskrit.

18. Following my convocation and initial training session, I was authorized to begin directing UDV sessions in the U.S. From December 1992 to December 1993, I conducted sessions once a month with a small group of people in Santa Fe. In September 1993, I was convoked as a counselor within the UDV by the Brazilian authorities, and in 1994, I became a full mestre of the UDV. Each of these increases in my responsibilities was preceded by months of experiential, as well as theological, training and supervision.

19. My work and development were carefully monitored and supervised by the General Representative Mestre and the mestres who came to the United States to conduct services every three months. These mestres all represented the General Headquarters of the UDV in Brasilia, or other positions of the highest authority within the church. During these visits, I would accompany these individuals in their travels. I spent every day refining my comprehension of the teachings of the UDV and received their counsel and orientation regarding the establishment of the UDV religion in the United States. Together, we would study and discuss the laws of the UDV, conduct sessions where the teachings and stories were shared and examined, and hold meetings where administrative and disciplinary actions were discussed. In my frequent trips to Brazil (three or four times a year), I would also spend ten days to three weeks with the mestres, who became my closest teachers and from whom I learned about the UDV, its history, theology and structure.

20. In July 1994, the General Representative Mestre, who is the highest-ranking official in the UDV, came to the U.S. with the intention of beginning the process of formally establishing the UDV in this country. In a formal, ceremony, the General Representative Mestre conferred on me the authority and responsibility to supervise the practice of the UDV religion in this country. I have continued in this capacity under the direct supervision of the General Representative Mestre since that time.

21. As the Representative Mestre of the UDV in the U.S., I am the highest authority of the UDV throughout this country and am responsible for all of the following:

A. The supervision of the distribution of the tea, within the UDV, in the United States. This includes establishing the schedule of sessions in each area and (in discussion with the mestres and counselors in each area) authorizing the distribution of the tea in extra or instructive sessions. In this capacity it is also my responsibility to appoint the individuals to direct the scheduled sessions.

B. The supervision of the faithful transmission of the religious doctrine and ensuring that the works of the members obey the norms of our religion.

C. The supervision of what our church's laws describe as the "order and discipline" in all of the five geographic areas where the distribution of the tea, within the UDV, has been authorized in the United States. Within this capacity it is my duty to apply the law, by preparing and signing executive bulletins which warn or sanction the members if the laws of the UDV are not being followed.

D. When appropriate, to convoke disciples to be integrated within the Cadre of Mestres, Body of Counselors, and Instructive Body. In the first two cases, these decisions are made with the accord of the existing Cadre of Mestres and Body of Counselors in the United States.

E. To determine the need for "preparos" of the tea (communal events at which the Hoasca tea is prepared under church supervision) and, working with the Cadre of Mestres in Brazil, to schedule the dates of these events. It is also my responsibility to authorize and determine which members from the United States will travel to Brazil to assist with the preparation of the tea to be used in this country.

F. To prepare and send letters of introduction to accompany members traveling from the United States to Brazil, authorizing them to participate in sessions and receive the communion of the tea when they travel to visit other nuclei.

G. To grant transfers to the members who, in the event of necessity, move to another location or wish to be associated with another nucleus of the UDV.

H. To preside over the Administrative Board of Directors in each area.

I. To provide pastoral counseling to the membership within the teachings and doctrine of the church; to provide orientation and comfort to the members in all manner of marital and other personal challenges.

J. To conduct weddings, baptisms and all legal functions of the church that require the exercise of religious authority.

K. To stay in frequent communication and work closely with the General Representative Mestre with regard to all aspect of the work of the UDV in the United States.

22. The UDV in the U.S. currently consists of approximately 130 members in five congregations. One of these, in Santa Fe, New Mexico, has attained the status of a full "nucleo" (or nucleus) and has approximately fifty members. An authorized congregation not yet of nucleus status in Norwood, Colorado, has eighteen members; a similar congregation in Seattle, Washington has twenty-seven members; one in Marin County, California, has twenty-seven members; and one in Plantation, Florida, has nine members. All of these congregations are subject to my authority. In addition to this supervisory role as Representative Mestre for the United States, I am also the Representative Mestre for the Santa Fe nucleus. The other congregations in the U.S. are headed by coordinators under my authority, all of whom are either mestres or counselors within the UDV hierarchy. All of these individuals speak Portuguese and have been trained to direct sessions and the UDV's work in each area, under my supervision.

23. Several UDV members in the U.S. are citizens of, or immigrants from, Brazil. They were UDV members, for many years, in their home country.

24. Growth of membership in the U.S. is extremely slow. The UDV does not proselytize for new members, and we require prospective members to wait for a probationary period that may last as long as one to two years before joining. An individual seeking to join the UDV in the U.S. must be nominated to me by an existing member. Only individuals eighteen years of age or older are allowed to associate within the UDV.

25. Every prospective new member in the U.S. is interviewed either by me personally or by a mestre, or trained counselor, to whom I have delegated the authority to interview prospective members. We inquire about the individual's medical history, including current use of prescription drugs, to ensure that the prospective member can partake safely of the Hoasca sacrament. Prospective members are also screened for overall maturity, responsibility, mental and emotional stability, and intentions.

26. As head of the UDV in the U.S., I do not support or permit active proselytizing for new members. Moreover, to ensure strict control over the congregations and UDV members, and their use of the Hoasca sacrament, I do not intend to allow membership growth of more than ten to twenty percent annually over the next five years.

27. The U.S. branch of the UDV is incorporated as a New Mexico nonprofit corporation, with a board of directors of seven members.

28. In 1994, the UDV sought and received tax exempt status as a section 501(c)(3) organization under the Internal Revenue Code. It is also recognized as a church under sections 509(a)(1) and 170(b)(1)(A)(i) of the Internal Revenue Code.

29. The UDV has a similar tax exempt status in New Mexico, Colorado, Washington, and California.

30. The UDV sustains itself financially in the United States through the collection of membership dues. The dues are $55 per month, although this amount is reduced in cases of financial need; dues are tax deductible

under U.S. law because of the UDV's status as a church. The U. S. branch of the UDV sends ten percent of the dues it receives to support the administrative needs of the church headquarters in Brazil. Some individuals members choose to make additional contributions to the UDV.

31. Members of the UDV in the U.S. perform significant charitable work. Much of the work has been focused in the field of environmental preservation. UDV members in the U.S. have established, and continue to support on an ongoing basis, the New Enchantment Association, a nonprofit charitable corporation organized to promote rainforest preservation and other ecological projects in Central and South America. The remainder of this Declaration relates to the U.S. branch of the UDV, unless otherwise stated.

UDV Ceremonial Practice

32. The UDV holds regular religious services at 8:00 p.m. on the first and third Saturday of each month and on ten other fixed religious holidays during the year. The dates of these holidays are: January 6, February 10, March 27, the second Saturday in May, June 23, July 22, September 27, November 1, December 24, and December 31.

33. A local mestre may hold up to six additional instructive sessions annually and may hold a small number of additional sessions to commemorate special events such as members' weddings.

34. Directing a session within the UDV is considered a solemn and very serious responsibility. In the United States, this responsibility is administered by a mestre or counselor or a member of the instructive body; however, only under circumstances of rare necessity would a member of the instructive body direct a session without the direct supervision of a counselor or mestre.

35. To effectively direct a session, a person must know how to make the requisite "chamadas" (calls), transmit the doctrine, respond to questions and provide guidance and orientation to the participants, all under the effect of the tea. Directing a session requires great concentration, developed spiritual knowledge, and maturity within the teachings of the church.

36. Before being entrusted with this responsibility, a person realistically must have a few years of experience in the UDV, speak a basic level of Portuguese and have a firm understanding, and acceptance, of the religious doctrine. It is a skill and an art that one develops over years of experience and practice. The role of the directing mestre is part teacher, part counselor and part spiritual guide. The knowledge required to effectively fulfill this function is substantial. It must be explained here that, although the mestres fulfill the function of priests or ministers within the religion, they are not paid for their services. They all perform their religious duties without financial compensation. This is true for the counselors of the UDV as well.

37. In each nucleus, or other congregation, a directing mestre is given the authority to lead the ceremony. Seating within the ceremony is established by UDV rule: the directing mestre sits at the head of a table below an arch displaying the words "Estrela Divina Universal" ("Divine Universal Star"). The congregants sit around the table and in rows parallel to the longer sides of the table.

38. The atmosphere of UDV religious services is serious, meditative, devotional, spiritual and communal. UDV sessions are not characterized by entertainment, frivolity or pleasure-seeking.

39. Each religious ceremony begins with the directing mestre's giving of the sacramental Hoasca tea to the participants. The mestre gives each UDV member a glass containing a measured amount of the tea; the members stand in silence until each congregant has a glass in hand.

40. Before drinking, the congregation engages in a moment of silent prayer, and then the mestre leads all present in a prayer spoken in Portuguese: "Que Deus nos guie no caminho da luz para sempre e sempre. Amen, Jesus." ("May God guide us on the path of light forever and ever. Amen, Jesus.") The congregation then drinks the sacrament and is seated for the reading of the laws of the church by a designated participant.

41. After the reading of the laws, a designated participant provides an interpretive explanation. By the time the explanation is completed, the congregants typically have begun to feel the effects of the tea, and a period of individualized contemplation begins. The mestre sings a series of "chamadas" (calls) to encourage the spiritual exercise. Thereafter, the mestre makes his way to each congregant and asks a series of questions to encourage contemplation and to assess each participant's state of mind and well-being. The mestre then sings several other "chamadas" interspersed with periods for silent reflection by the participants.

42. During the second part of each service, the mestre leads a period of spiritual teaching, often in

response to the particular needs and circumstances of the participants. During this period, participants ask the mestre questions about particular topics of spiritual or personal concern. Mestres are trained in the oral traditions of the UDV and tell stories or recite chamadas containing teachings of the church in response to participants' questions.

43. The ceremony continues with more ritual singing of chamadas followed by a more informal period of unstructured conversion among the congregants. After a few minutes of silent concentration, and just before midnight, a particular chamada is chanted to bring closure to the session and the day.

44. The ceremonies on religious holidays follow the same rituals, except that the presiding mestre might tell special stories. For example, June 23 is an annual holiday to contemplate the life and teachings of John the Baptist; on that day, the mestre tells a particular story. Also, ceremonies to honor special occasions include stories and chamadas appropriate for those occasions. UDV clergy occasionally perform special ceremonies, such as weddings and funerals, which are religious in nature but do not involve use of the Hoasca tea.

45. The requirements and procedure for obtaining a license to perform weddings in this country vary from state to state, but generally a license is given to ministers of religious institutions recognized within the state. I am legally authorized to perform, and have performed, marriages in the states of New Mexico, Colorado, California and Washington, locations where the UDV is formally recognized.

Families and The UDV Religion

46. The UDV teaches the importance and sanctity of the nuclear family, in terms not only of its importance to the spiritual development of each individual but also of its importance in the ordering of society. With this understanding, great care is given to the raising of children which, within the UDV, is considered a "sublime mission."

47. In my early visits to Brazil, the aspect that most called my attention to the uniqueness of the UDV was the happiness, intelligence and beauty of the children. In the decade since I first encountered this religion, I have come to know many young people and have watched them grow up within the church. The results are remarkable.

48. Overall, one can observe an extremely close relationship between all of the children of the UDV and their parents. The children generally show extraordinary obedience, respect and affection for their parents; rarely does one a encounter the kind of hostility, fighting and arguing unfortunately so common in our culture and Brazilian culture outside of the UDV.

49. In the United States over the past seven years we have received a number of adolescents who have been raised within that UDV in Brazil and who wished to come to the United States for a year or two, to go to school here and learn English. Usually, these were children of mestres and counselors in Brazil who lived in the homes of UDV members in this country. These young people, generally from the ages of sixteen to nineteen, lived in the United States for a year, participated in sessions and the religious life of the community, and continued their education. We have several

examples of these young people excelling in school, and receiving civic and educational awards in the communities where they lived.

Rules of Conduct

50. Under my authority, the UDV imposes strict rules of conduct on its members in the U.S., violation of which can subject a member to expulsion from the church. Members may consume the Hoasca tea only during UDV ceremonies, and only in the amount provided as a sacrament. The UDV does not permit the use of the tea outside of those ceremonies and would consider such non-sacramental use sacrilegious.

51. Moreover, the UDV does not permit its members to use any illegal drugs at any time. Transgressing this ban could lead to a member's expulsion. On more than one occasion, I have personally advised individual UDV members orally, and in writing, that their use of illicit drugs could lead to expulsion.

52. The UDV also strongly discourages all alcohol use by its members and absolutely prohibits its excessive use. I am aware of numerous American UDV members who used alcohol before joining the UDV, but have not partaken of alcohol since becoming members.

53. The UDV imposes other rules of conduct on members. The doctrine of the UDV, which is transmitted orally within our religious services, is a comprehensive theology that serves to inspire and assist in the highest levels of moral and spiritual development among our adherents. The Ten Commandments are part of the doctrine of the church, and the mestres elaborate on them at ceremonies. Designated participants read several church bulletins aloud soon after the beginning of each religious service. These bulletins

contain specific instructions on the members' behavior. I and other officers of the UDV in the U.S. direct all members to follow and respect federal and state law.

54. Finally, the UDV requires that each member give high priority to his or her family commitments, to treat others with love and respect and to attend UDV sessions regularly.

55. Violations of the church law that can lead to dismissal include the failure to attend the regularly scheduled sessions; the failure to pay monthly dues; the abuse of alcohol or the use of any illegal drugs; and the violation of state or federal laws.

56. In May of 1999, following the seizure of our religious sacrament by agents of the United States Customs Service, the General Representative Mestre made the decision to suspend all future sessions of the UDV in this country until such time as our religious practices would be fully recognized and permitted under the law.

The Purpose and Centrality of the Tea in the UDV Religion

57. Sacramental use of Hoasca is an essential, integral and central part of the UDV religion. The very name of the UDV—"União do Vegetal"—refers to the union of two plants in the Hoasca tea. The centrality of the tea to the UDV's religious practice is so fundamental that our religion is named for it.

58. We believe that the two specific plants from which the Hoasca tea is made—known by the botanical names of *Banisteriopsis caapi* and *Psychotria viridis*—sprang originally from the graves of revered historical figures and, therefore, embody the spirits of those individuals. The tea enables UDV members to achieve heightened states of spiritual enlightenment.

59. The word "religion" comes from the word "religio," which in Latin means "to rebind," or "to reconnect." The sacramental communion of the tea is, for the UDV, the instrument of this reconnection. Through the union of the plants (in the ritual preparation of the tea), a sacrament is created that permits the possibility (under the direction of a trained mestre) of actual communion with God. The word "sacrament" comes from a word that means "to consecrate," or "to make holy." The sacramental tea of the UDV, when used within the doctrine and ritual context of the church, has the effect of allowing the UDV members a direct, personal intimate re-connection with the Absolute.

60. The tea is absolutely necessary for this communion. Within the UDV, there is no other practice or recognized way of achieving this state. Using the tea as an instrument for mental and spiritual concentration, under the guidance of the teachings of Mestre Gabriel, UDV members are able to perceive the Divine, which truly exists as a real spiritual presence in the world. A direct personal experience of the Divine (from drinking the tea in that setting) bathes an individual's consciousness with the attributes of God, which are Light, Peace and Love. Through the UDV's ritual communion, a person's consciousness, in time, is actually "made holy."

61. In Portuguese, the words "União Do Vegetal" mean union "from" the plants as well as Union "of" the plants. The union *of* the plants (the tea) creates a sacrament that allows for a profound sense of spiritual union *from* the plants. The union experienced is, in fact, union with the eternal, absolute, life-giving, superior Force, revered by all truly religious people.

62. The UDV in Brazil carefully controls the cultivation and harvesting of the plants that comprise Hoasca

and also controls the preparation and shipment of the tea. The UDV community in Brazil prepares the tea only under the direction of mestres having the express authorization of a Representative Mestre, who is the highest authority in each nucleus. This process is difficult, expensive and time-consuming. The preparation ritual is called a "preparo," and consists of up to 200 individuals working together at a UDV temple over a period of several days. The UDV cultivates the plants used to prepare the tea on lands either around a UDV temple in Brazil or in areas of the forest that the UDV owns and maintains for that purpose. UDV members do not prepare tea for personal use. Except in rare circumstances that a Representative Mestre must specifically authorize, UDV members in Brazil are not permitted to grow the plants on their own private land.

63. Because only mature plants are suitable for use in the tea, cultivation must be instituted several years before usable plants are available.

64. Before the seizure in May 1999 the UDV in the U.S. received sacramental tea exclusively from UDV religious centers in Brazil. Members from the United States would travel to Brazil to assist in its ritual preparation. A share of the expenditures related to the preparation of the tea, as well as all shipping costs, were provided by the U.S. membership. Other than the costs directly associated with the tea's preparation and shipment, no commercial activity has ever been associated with the importation of the tea. The UDV, both in the U.S. and in Brazil, absolutely prohibits both the use of Hoasca outside of religious ceremonies and the sale of Hoasca for any purpose. I am unaware of any instance where a UDV member in Brazil or the U.S. has engaged in such unauthorized use or sale.

65. The UDV does not consider the Hoasca to be a substitute for medical treatment. It is a spiritual sacrament, not a medicine for physical healing. Nothing in UDV doctrine prohibits or discourages its members from seeking treatment from medical professionals. UDV members in the U.S. regularly seek and receive treatment in modern healthcare facilities, and several UDV members in the U.S. and Brazil are practicing physicians.

66. The tea the UDV imported for religious purposes in the past has never been diverted from legitimate religious use by the UDV members or by anyone else.

The UDV Has a Beneficial Effect on the Lives of Its Members

67. I have personal knowledge of the strong positive influence that UDV membership exerts on the lives of its members. I have met and counseled all present and former members of the UDV in the United States, and I have witnessed the positive impact church membership has had on these individuals' careers, familial relationships and general well-being. It has been nothing short of remarkable and extraordinary.

68. Some members had battled drug and/or alcohol abuse before joining the UDV in the U.S. The church's supportive atmosphere, coupled with its absolute strictures against use of illicit substances, has helped these members conquer their abuse problems.

69. I have witnessed, as a result of members' participation in the UDV, the healing and resolution of many interpersonal and family conflicts, people unable to work or care for themselves returning to live healthy and productive lives, and the growth of many healthy,

morally strong, intelligent and beautiful children. Examples of each of these benefits to our members and to society are numerous.

70. The members of the UDV strive to live exemplary, peaceful and productive lives. In general, they are law-abiding, productive members of their communities. Although the UDV does not seek publicity, it is not a secret society and does not seek any greater privacy than most other religions do.

The U.S. Branch of The UDV Has a History of Taking Appropriate Security Measures to Prevent Diversion

71. On the 21st of May, 1999, agents from the United States Customs service entered our church offices with a search warrant and seized church records as well as all the sacramental tea we had in storage there. This warrant was granted on the basis of the assertion of a Customs officer that the tea "contained DMT," "a Schedule 1 controlled substance."

72. At the time of the seizure, it was apparent that the agents were acting as if this were a "drug bust" similar to a raid on a methylamphetamine laboratory. Approximately twenty or thirty armed officers arrived accompanied by local and state police officers. The warrant stated that they were also looking for "materials to cut or dilute controlled substances; narcotics paraphernalia, including precursor chemicals, acids, bases, solvents, glassware, scales, formulas, packaging materials and narcotics processing equipment." It was evident that they had no idea we were a church and that the tea, for us, was not a drug, but a religious sacrament. We were not a drug factory and did not have the equipment or materials of the types listed on the warrant

that are associated with such factories. We had only the Hoasca tea and our records.

73. The force of the action came as a complete surprise to me. We had been importing the tea for our religious use since 1992. We have documentation of eleven shipments since July of 1995 of tea totaling 1285 liters, all formally declared on arrival and cleared by Customs and FDA before release. Because we had legally been recognized as a church and were declaring the importation of the tea, I believed that, if any question were ever raised about our activities, it would have come as a telephone call rather than through the arrival of armed law enforcement agents at my door.

74. Until the federal government seized the Hoasca tea last year, the UDV in the U.S. had always kept the tea securely under either my control or the control of a select few church leaders entrusted by me to secure the tea. This control was effective from the moment of receipt after importation to the moment of sacramental use.

75. Until last year's seizure, the Hoasca tea was shipped, by air freight and truck, from Manaus, Brazil, to me in Santa Fe in quantities that corresponded to the number of U.S. members and the projected religious use in the near future. Before Brazilian UDV authorities shipped the tea, they sent me by facsimile an exact description of the number of container being shipped and the quantity of tea they contained. After the tea arrived in Los Angeles and cleared Customs and any other U.S. Government inspections, an authorized customs broker, who carried a letter of authorization from the UDV, picked it up. The broker visually confirmed the number of containers and the amount of fluid in each and compared them against the transfer docu-

ments sent from Manaus. From the port of entry and after receipt by the UDV's authorized broker, the tea was shipped by truck, by a bonded and secure commercial carrier, to me in Santa Fe.

76. A mestre or counselor (or occasionally under circumstances of necessity, a person of trust and responsibility within the Instructive Body) received and signed for the shipments. Once the tea arrived at UDV headquarters in Santa Fe, I personally supervised and measured amounts of the tea and put them into smaller containers to be distributed to the different UDV congregations. A mestre, or occasionally, a counselor hand-delivered an appropriate amount of it directly to the responsible person for each congregation. The tea in all areas was always stored in a locked refrigerator for which only the mestre or counselor responsible in each area had a key.

77. No UDV member other than the mestre or counselor responsible in each area was permitted to possess the tea, nor was anyone ever allowed to give or sell the tea to any outside individual or group. The tea was used only in the sacramental amounts at the authorized religious ceremonies; and in that context, the directing mestre controlled the ritual use of the tea.

78. In the more than eleven years the UDV has been active in the United States, I am unaware of any instance in which any of the tea we imported was sold, given to anyone or consumed outside the religious ceremonial context of the UDV.

The Defendants are Currently Preventing Me and Other Members of the UDV in the United States From Practicing Our Religion

79. After the May 1999 seizure of church and personal documents and the sacramental tea, the United States Attorney for the District of New Mexico conducted a long and extensive investigation of me and the UDV. I and others in the UDV cooperated fully in the investigation and answered questions put to us by the U.S. Attorney's Office. We met with the Assistant U.S. Attorneys assigned to this case on numerous occasions and provided additional materials for them at their request. They continued to inform me and counsel that a decision would be imminent. However, after waiting for a year and one-half, they still have not made any decision regarding how they intend to resolve this case.

80. Since the seizure in May 1999 the UDV has not engaged in religious ceremonies in the United States. In view of the government's position that importation of the Hoasca would be unlawful, the UDV has not imported, nor sought to import, any Hoasca since that date. As a result, the UDV and its members are unable to practice our religion in the United States.

81. The consequences of our inability to practice our religion are substantial and severe. As reflected in the declarations of other UDV members, the UDV is a necessary and positive component of the lives of its members, and the inability to practice our religion has created a void in our lives.

82. The past year and a half, during which I have lived with the threat of possible criminal prosecution and have been unable to practice my religion, has been a time of almost indescribable stress and sadness for

me. The effect of all this has produced tremendous strain on my family, my personal health and, to some degree, my religious faith. It has also been a time of great learning; my conviction of the beauty of the spiritual path I have chosen, my appreciation of the love of my friends and family and my certainty of the mercy and love of God have only increased.

83. It would be nearly impossible to describe to someone who has never participated in a UDV session, or witnessed the extraordinary character of the União Do Vegetal, what I and the other UDV members have suffered during the past year.

84. From February of 1992, when I associated with the UDV, until May of 1999, when Customs agents entered my office and seized the holy sacrament of my church, I had become accustomed to drinking the tea at least three times per month.

85. With these profound religious ceremonies, I had become accustomed to levels of inspiration, sustained good health, happiness and an intimate connection to God that had completely fulfilled my life.

86. To have all of this taken away from me has been painfully and indescribably hard. It has also been a source of great sorrow for me to see my friends and companions on this path suffering as well. There was, for example, one man who had come to the UDV so weak (with complications from diabetes) that he was barely able to walk; he was unable to work or properly care for himself, and his doctors had given him less than two months to live. I watched over several years the effects of the tea and the UDV in his life—helping him to restore his health, bringing him hope and strength and giving him back his life and family. It has brought

tears to my eyes and a deep feeling of sorrow to my heart to watch his condition worsen again over this year that we have been unable to practice our religion and receive communion with our holy sacrament.

87. I have also seen other, less dramatic but still significant, suffering within the communities I have served as a mestre. I have seen people whose quality of life has significantly diminished due to our inability to hold our religious services; less harmony, less happiness, less peace, less of everything that makes life worth living. Our living and sacred connection to the Divine has been severed.

88. It is my deep conviction that this is unjust and not the role or the place of government in our lives. Although I am only a citizen and not a lawyer, it is also my conviction that the clear and straightforward reading of the United States Constitution confirms this as well.

89. The Framers of the Constitution clearly recognized the potential dangers of government and sought to limit its authority by articulating the principles found in the Bill Of Rights. The possibility of state agents, administering the responsibilities given to government, prohibiting the free exercise of religion was fundamentally and explicitly defined as unconstitutional and unlawful. This is a principle upon which our entire civil society has been based. It is my sincere belief that, in the view of those who founded our country, government should not be controlling or prohibiting man's quest for the sacred.

90. From my heart, from my soul, from the sincerity of my faith in all that is good, I pray for the freedom to practice my religion. I pray for the freedom to receive, once again, within the temples of the UDV in this

country, the sacred communion of the Hoasca tea. I pray that this force of great goodness be protected under the laws of our land.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed this 17 day of November, 2000, at Santa Fe, New Mexico.

/s/ JEFFREY BRONFMAN
JEFFREY BRONFMAN

[Plaintiffs' Exh. G]

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Human Psychopharmacology Of Hoasca, A Plant Hallucinogen Used In Ritual Context In Brazil

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A multinational, collaborative, biomedical investigation of the effects of hoasca (ayahuasca), a potent concoction of plant hallucinogens, was conducted in the Brazilian Amazon during the summer of 1993. This report describes the psychological assessment of 15 long-term members of a syncretic church that utilizes

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hoasca as a legal, psychoactive sacrament as well as 15 matched controls with no prior history of hoasca ingestion. Measures administered to both groups included structured psychiatric diagnostic interviews, personality testing, and neuropsychological evaluation. Phenomenological assessment of the altered state experience as well as semistructured and open-ended life story interviews were conducted with the long-term use hoasca group, but not the hoasca-naive control group. Salient findings included the remission of psychopathology following the initiation of hoasca use along with no evidence of personality or cognitive deterioration. Overall assessment revealed high functional status. Implications of this unusual phenomenon and need for further investigation are discussed.

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Hoasca is a hallucinogenic concoction of potent psychoactive plants that are indigenous to the Amazon basin of South America. It has been known under a variety of names, including ayahuasca, caapi, yage, mihi, dapa, natema, pinde, daime, and vegetal. Hoasca is the Portuguese transliteration for ayahuasca and is the accepted term utilized throughout Brazil. Prior to the European conquest, domination, and acculturation of South America, beginning in the 16th century, hoasca was widely used by the native peoples for purposes of magic and religious ritual, divination, sorcery, and the treatment of disease (Dobkin de Rios, 1972). In spite of prolonged and savage attempts by the European conquerors to repress and eradicate native culture and belief systems (Taussig, 1986), sacramental and medicinal use of hoasca remained extant.

Scientific study of hoasca began with the renowned English botainst Richard Spruce, who from 1849 to

1864 traveled extensively throughout the Brazilian, Venezuelan, and Ecuadorian Amazon to compile an inventory of the varieties of plant life found there (Schultes and Raffauf, 1992). Spruce made a number of valuable discoveries, including *Hevea*, the genus of the rubber tree, and *cinchona*, from which quinine is derived. He also identified one of the primary sources of a powerful hallucinogenic brew used by the Mazan and Zaparo Indians, called ayahuasca (Quechua for "vine of the souls" or "vine of the dead"), and previously described by the Ecuadorian Manuel Villavicencio (1858), as a large woody vine that would later be given the formal botanical designation of *Banisteriopsis caapi* (Ott, 1994; Spruce, 1908). Subsequent laboratory analysis would reveal the presence of the psychoactive beta-carboline alkaloids harmine, harmaline, and tetrahydroharmine, although when first isolated during the early 20th century they would receive the rather exotic appellation of telepathine. As identified by early field observers of hoasca use, additional psychoactive admixtures were often added to the cooking *B. caapi* preparations, most notably highly potent and hallucinogenic tryptamine-containing plants, including such vision-inducing plants as *Psychotria viridis* (McKenna and Towers, 1984).

Throughout the Amazon basin, the use of hoasca remained so deeply rooted in tribal mythology and philosophy that modern investigators have been able to confidently conclude that its use extended back to the earliest aboriginal inhabitants of the region (Schultes and Hofmann, 1992). They have recorded the tradition of hoasca use by the indigenous peoples of the region for the purpose of freeing the soul from corporeal confinement and facilitating access to realms of alternate

reality, allowing for a variety of magical experiences, including accessing communication with the spirits of the ancestors. Anthropologists who have conducted ethnographic studies of the native inhabitants of the Amazon Basin have described such common hoasca-induced phenomena as visions of jaguars, snakes and other predatory animals, visions of distant persons, "cities" and landscapes, the sensation of "seeing" the detailed enactment of recent mysterious events, and the sense of contact with the supernatural (Harner, 1973).

Hoasca, as is the case with other plant hallucinogens, has a prehistoric tradition of use by native aboriginal peoples as shamanic sacraments or catalysts (Bravo and Grob, 1989; Furst, 1976). It is considered a "great medicine" and is used to both diagnose and treat illness (Schultes and Hofmann, 1992). Its use is fully sanctioned by societal customs and laws and, in fact, is the core experience upon which tribal and collective consciousness rests. Utilization of such potent plant hallucinogens as hoasca typically occurs within a ritualized context, including the traditional rites of initiation (Grob and Dobkin de Rios, 1992). The powerful hypersuggestible effects induced by the hallucinogenic plant drug reinforce collective belief systems, strengthen group cohesion, and facilitate culturally conditioned and syntonic visions which provide revelation, blessing, healing, and ontological security (Dobkin de Rios and Grob, 1994).

Use of hoasca for purposes of healing and religious sustenance has, during the centuries of European acculturation of Amazonia, emerged from the exclusive tribal domains of the rain forest and been incorporated into the contemporary fabric of rural and urban society,

particularly among the indigenous Mestizo populations of Peru, Colombia, and Ecuador. Identified as a valuable adjunct to folk healing practices, hoasca is ritually administered by "ayahuasqueros" to carefully selected groups of patients (Dobkin de Rios, 1972). Scrupulously adhering to the shamanic models practiced by the aboriginal peoples, these folk healers similarly use the sacramental hoasca for purposes of medical diagnosis and healing, divination, and as a path of access to the realms of the supernatural.

During the 20th century, the use of hoasca within the context of modern syncretic religious movements, particularly in Brazil, has arisen. One such church, and the object of the current study, is the Uniao do Vegetal (UDV), whose translation from the Portuguese means "union of the plants." The UDV originated in the early 1950s when its founder, Gabriel de Costa, a rubber tapper who had first experienced the effects of hoasca with the native Indians of Bolivia, returned to the rapidly expanding Brazilian Amazon settlement of Rio Branco with his visions of spiritual revelation and personal mission. Gathering a group of loyal followers, Maestre Gabriel, as he came to be known, elaborated a mythology and structure for his new religion. Spreading first through the Brazilian Amazon and then to the more densely populated and urbanized South, the UDV grew over the subsequent four decades to achieve an eventual size of approximately 7000 members nationwide, drawing adherents from across the socioeconomic and professional spectra. Organized along the lines of an early Christian parish, local "nucleos," or congregations, are centers where sacramental hoasca is consumed in large bi-monthly ritual ceremonies which are presided over by local "maestres," leaders of the reli-

gious sect. Although not the only Brazilian syncretic church to use hoasca as a ritual sacrament, the Santo Daime sect being the largest and most widely known, the UDV does have the strongest organizational structure as weil as the most highly disciplined membership. Of all the hoasca churches in Brazil, the UDV was also most pivotal in convincing the government narcotics commission to remove hoasca from the list of banned drugs, which was accomplished in 1987 for use within religious ceremonial contexts.

Although achieving some attention and even notoriety in North American literature and the popular press, most notably the work of William Burroughs and Allen Ginsberg (1963), the psychological phenomenon induced by hoasca has been subjected to virtually no rigorous study. Various travelers to the Amazon Basin have reported their own first-hand accounts of experiences with hoasca (Weil, 1980), while both formal and informal anthropological narratives have excited the public imagination (Lamb, 1971; Luna and Amaringo, 1991). Indeed, interest in the exotic Amazonian traditions and effects of hoasca have sparked a steady stream of North American tourists, often attracted by articles and advertisements in popular and New Age magazines (Krajick, 1992; Ott, 1993). Concern over possible adverse psychological health effects incurred by such naive travelers has also been raised by a noted anthropological authority of hoasca use in the Amazon (Dobkin de Rios, 1994). Contrasted with testimonials of improved psychological and moral functioning by adherents of the snycretic hoasca churches in Brazil, a formal study exploring the effects of long-term use of this unusual hallucinogenic beverage would appear to be indicated.

During the summer of 1993 a multinational group of biomedical researchers from the United States, Finland, and Brazil met in Manaus, the capital city of the Brazilian state of Amazonia, to conduct an examination of the psychological and biochemical effects of hoasca. Prior to the actual performance of the study, an invitation had been extended by the Uniao do Vegetal to conduct an investigation of the toxicity of their hoasca "tea." Given the long history of repression of their religious movement and use of the hoasca sacrament prior to government sanction in 1987, the leaders of the UDV had surmised that the conclusions of a fair and objective scientific study might be of some protective value in the future if the political winds in Brazil were to shift. Consequently, and upon consultation with the North American research group, a decision was made to utilize the oldest nucleo outside of Rio Branco, in Manaus, where a large percentage of the membership had been ritually consuming hoasca on a regular basis for more than 10 years. Given the complicated logistics and demands placed upon subjects in this study, the tightly organized structure of the UDV and its highly disciplined membership proved to be invaluable in the successful completion of the project's goals. Part 1 of this report will detail the results of our investigation of the effects of the hoasca tea on psychological function and Part 2 will discuss our examination of the effects of hoasca on human biochemistry.

Methods

Fifteen members of the syncretic church, Uniao do Vegetal, living in the Brazilian Amazon city of Manaus, were randomly selected from a larger group of volunteers. Criteria for inclusion into the study included membership in the UDV for at least 10 years. Members

of the UDV participate in church rituals utilizing hoasca as a psychoactive sacrament a minimum of twice monthly, but often as frequently as several times per week, although always within ritual context. In addition to regular participation in ceremonial consumption of hoasca, the UDV requires of its membership complete abstinence from all other psychoactive substances, including alcohol, tobacco, marijuana, cocaine, and amphetamines.

Fifteen control subjects who had never consumed hoasca were also recruited, with the objective of matching them on all demographic parameters. Because of the relatively small sample size, and the need to limit the number of variables, all experimental and control subjects were men. Controls were compatibly matched to experimental subjects along the parameters of age, ethnicity, marital status, and level of education. Although attempts were made to control for diet and current consumption of alcohol, complete compliance was not possible to achieve. Because of difficult field conditions as well as limitations of time, it was not feasible to completely analyze all demographic data until after initiation of the actual study. At that time it was also identified that control subjects had significantly higher yearly incomes than experimental subjects. In endeavoring to explain this discrepancy we noted that the method of control subject recruitment had called for each of the experimental subjects to provide for the study a close friend or associate who had never participated in UDV ceremonies nor had consumed hoasca under any other circumstances. It was noted in retrospect that several experimental subjects had asked their supervisors at their places of employment to volunteer for the study.

A variety of parameters were utilized to assess past and current levels of psychological function. Both experimental and control subject groups were administered structured psychiatric diagnostic interviews (Composite International Diagnostic Interview [CIDI]), personality testing (Tridimensional Personality Questionnaire [TPQ]), and neuropsychological testing (WHO-UCLA Auditory Verbal Learning Test). Experimental subjects, but not control subjects, were asked to fill out an additional questionnnaire (Hallucinogen Rating Scale [HRS]) following a hoasca session. Each of the experimental subjects was also interviewed in a semistructured format designed to ascertain their life stories.

All subjects were monolingual speakers of Portuguese. Portuguese versions of the CIDI and the TPQ were readily available for this study, having been translated previously and validated in Portuguese by the creators of these instruments. Portuguese versions of the WHO-UCLA Auditory Verbal Learning Test and the HRS were developed for this study by Brazilian collaborators, who translated the instruments first into Portuguese, then back into English, and finally back once again into Portuguese. The CIDI and the WHO-UCLA Auditory Verbal Learning Test sessions were conducted by collaborating Brazilian mental health professionals instructed in their administration. The TPQ and HRS are self-report questionnaires. The semistructured life story interviews were conducted by an English-speaking psychiatrist assisted by an interpreter fluent in both English and Portuguese. All life story interviews were audiotaped.

Composite International Diagnostic Interview

The CIDI is a comprehensive, fully standardized diagnostic interview for the assessment of mental disorders according to the definitions and criteria of ICD-10 and DSM-III-R (Robbins et al., 1988). The CIDI was conceived for use in a variety of cultures and settings. Although its primary application has been for epidemiological studies of mental disorders, the CIDI has also been utilized for clinical and research purposes. In the course of its development, the CIDI was subjected to a variety of tests in different settings, countries, and cultures for feasibility diagnostic coverage, test-retest reliability, and procedural reliability (Wittchen et al., 1991).

Tridimensional Personality Questionnaire

The TPQ is a 100-item, self-administered, paper-and-pencil, true/false instrument which takes approximately 15 minutes to complete (Cloninger, 1987a). The questionnaire measures the three higher order personality dimensions of novelty seeking, harm avoidance, and reward dependence, each of which measures four lower order dimensions (Cloninger, 1987b). The novelty seeking domain measures the spectrums of exploratory excitability versus stoic rigidity (9 items), impulsiveness versus reflection (8 items), extravagance versus reserve (7 items), and disorderliness versus regimentation (10 items). The harm avoidance domain measures the spectrums of anticipatory worry versus uninhibited optimism (10 items), fear of uncertainty versus confidence (7 items), shyness with strangers versus gregariousness (7 items), and fatigability and asthenia versus vigor (10 items). The reward dependence domain measures the spectrums of sentimentality versus insensitiveness (5 items), persistence versus irresoluteness

(9 items), attachment versus detachment (11 items), and dependence versus independence (5 items). The TPQ is based on a unified biosocial model of personality integrating concepts focused on the neuroanatomical and neurophysiological basis of behavioral tendencies, styles of learning, and the adaptive interaction of the three personality dimensions (Cloninger et al., 1991).

WHO-UCLA Auditory Verbal Learning Test

The WHO-UCLA Auditory Verbal Learning Test is a simple list-learning task similar to the Rey Auditory Verbal Learning Test (Rey, 1964), but which also is suitable for use in cross-cultural contexts and is sensitive to mild degrees of cognitive dysfunction. To be familiar to a variety of cultures, the test comprises a list of items carefully selected from categories such as parts of the body, tools, household objects, and common transportation vehicles (Maj et al., 1993). Subjects are read a list of 15 items at the rate of approximately one word per second, following which they are asked to recite as many words as they can recall. The same list is read to subjects a total of five successive times, and on each occasion subjects are asked to recite as many words as they can remember. This is followed by an interference test where subjects are read 15 words from a second list and asked to recite as many as they can from the second list, following which they are asked to again recall the words from the first list. For the final trial, subjects are read from a list of 30 words, half of which (in random order) are from the original list. Subjects then are asked to indicate after each word whether they recognize it as part of the original list of 15 words.

Hallucinogen Rating Scale

The HRS is a 126-item questionnaire originally developed to assess the range of effects induced by intravenous administration of synthetic dimethyltryptamine (Strassman et al., 1994). A 0 to 4 scale is utilized for most questions, with 0 = not at all, 1 = slightly, 2 = moderately, 3 = quite a bit, and 4 = extremely. Responses to items are analyzed according to six conceptually coherent "clusters": somesthesia (interoceptive, visceral, and cutaneous/tactile effects), affect (emotional/affective responses), perception (visual, auditory, gustatory, and olfactory experiences), cognition (alterations in thought processes or content), volition (a change in capacity to willfully interact with themselves, the environment, or certain aspects of the experience), and intensity (strength of the various aspects of the experience).

Life Story Interview

Each of the 15 experimental subjects agreed to submit to an approximate hour-long interview conducted by a psychiatrist (C. S. G.). The interview addressed various facets of their lives related to their experience as members of the Uniao do Vegetal and their frequent participation in rituals utilizing the psychoactive sacrament, hoasca. The interviews were conducted, with the aid of a translator, in a semistructured and open-ended manner. Each subject was asked to "tell the story of your life from the time before you first drank the hoasca tea . . . to how you first became acquainted with the UDV and the effects of the hoasca . . . to how your life has developed since the time you became a part of the UDV."

TABLE 1
Personality Testing in 15 Long-Term Hoasca Users and 15 Matched Controls

TPQ	Subjects	Controls	*t*	*p*
Novelty seeking				
NS1: exploratory excitability vs. stoic rigidity	3.78 ± 1.12	5.00 ± 1.79	-2.08	.049**
NS2: impulsiveness *vs.* reflection	1.57 ± 1.34	2.81 ± 2.27	-1.71	.100
NS3: extravagance *vs.* reserve	3.00 ± 1.30	3.36 ± 1.43	-.66	.514
NS4: disorderliness *vs.* regimentation	2.00 ± 1.11	3.64 ± 2.01	-2.59	.016**
NS total: NS1 + NS2 + NS3 + NS4	10.36 ± 2.27	14.82 ± 4.81	-3.07	.0054**
Harm avoidance				
HA1: anticipatory worry *vs.* unihibited optimism	1.21 ± 1.37	2.36 ± 1.97	-1.72	.098*
HA2: fear of uncertainty *vs.* confidence	2.93 ± .73	4.09 ± 1.87	-2.14	.043**
HA3: shyness with strangers *vs.* gregariousness	1.93 ± 1.77	3.27 ± 1.68	-1.92	.067**
HA4: fatigability and asthenia *vs.* vigor HA3 + HA4	1.93 ± .92	3.00 ± 2.45	-1.51	.144
HA total: HA1 + HA2 + HA3 + HA4	8.00 ± 3.57	12.45 ± 4.[illegible]	-2.75	.011**
Reward dependence				
RD1: sentimentality *vs.* insensitiveness	4.21 ± .89	3.90 ± 1.58	.61	.547
RD2: persistence *vs.* irresoluteness	4.43 ± 1.74	4.45 ± 1.86	-.04	.972
RD3: attachment *vs.* detachment	4.71 ± 1.94	4.27 ± 2.41	.51	.616
RD4: dependence *vs.* independence	1.93 ± 1.21	1.73 ± 1.62	.36	.725
RD total: RD1 + RD2 + RD3 + RD4	15.29 ± 2.76	14.36 ± 3.91	.69	.496

Results

Psychiatric Diagnoses

A structured psychiatric interview was conducted with each of the 15 experimental subjects and each of the 15 normal control subjects. Administration of the CIDI identified that whereas none of the UDV experimental subjects had a current psychiatric diagnosis, active diagnoses of alcohol abuse disorder and hypochondriasis were present in two of the matched control subjects. However, assessment of past (although no longer active) psychiatric diagnoses indicated that, according to ICD-10 and DSM-III-R criteria, five of the UDV experimental subjects had prior formal alcohol abuse disorders, two had past major depressive disorders, and three had past phobic anxiety disorders. On the other hand, among the 15 control subjects, only one subject had a past psychiatric disorder that was no longer present—an alcohol abuse disorder that had remitted 2 years before the study.

Personality Testing

The TPQ, measuring the three domains of novelty seeking, harm avoidance, and reward dependence, was administered to the 15 experimental long-term hoasca-drinking subjects and to the 15 hoasca-naive control subjects. Means and standard deviations and results of *t*-test comparisons are shown in Table 1. Significant findings on the novelty seeking domain included UDV subjects having greater stoic rigidity versus exploratory excitability ($p < .049$) and greater regimentation versus disorderliness ($p < .016$). A trend toward group difference was found along the spectrum of greater reflection versus impulsivity ($p < .1$). No group differences were found along the spectrum of reserve versus

extravagance ($p < .514$). Summation of all four spectrums of the novelty seeking domain identified a highly significant difference between the two groups ($p < .0054$).

Analysis of the harm avoidance domain of the TPQ also identified significant differences betwen the two groups. The UDV experimental subjects were found to have significantly greater confidence versus fear of uncertainty ($p < .043$) with a trend toward greater gregariousness versus shyness with strangers ($p < .067$) and greater uninhibited optimism versus anticipatory worry ($p < .098$). Totaling the four spectrums of the harm avoidance dimension yielded a significant difference between the two groups ($p < .011$).

Analysis of the final TPQ domain of reward dependence did not demonstrate any significant difference between the two groups in total score and any of the subdomain scores.

Neuropsychoiogical Testing

All 15 experimental subjects and 15 control subjects were administered the WHO-UCLA Auditory Learning Verbal Memory Test (Table 2). Experimental subjects performed significantly better than control subjects on their recall of words on the fifth learning trial ($p < .038$). Experimental subjects also performed better than control subjects, although to a non-statistically significant degree, on the following tests: number of words recalled ($p < .253$), delayed recall ($p < .248$), and words recalled after interference ($p < .158$). There was no difference between the two groups in their collective capacities on the test involving the number of false-positive factors on the recognition task ($p < .602$).

TABLE 2
Neuropsychological Testing in 15 Long-Term Hoasca Users and 15 Matched Controls

WHO-UCLA Auditory Verbal Learning Test	Subjects	Controls	*t*	*p*
Words recalled on 5th learning trial	11.21 ± 1.93	9.50 ± 2.07	2.19	.038**
Words recalled after interference	9.53 ± 2.72	8.16 ± 1.99	1.45	.158
Delayed recall	9.53 ± 2.64	8.41 ± 1.62	1.28	.248
No. of words recalled	14.33 ± .72	13.75 ± 1.76	1.17	.253
No. of false-positive errors on recognition task	1.06 ± 1.10	.83 ± 1.19	.53	.602

Phenomenological Assessment

The Hallucinogen Rating Scale was completed by each of the 15 UDV subjects within 1 hour following the close of the experimental hoasca session, where a variety of medical and biochemical parameters had been assessed. Analysis of the 126-item HRS yielded findings placing the hoasca experience in the mild end of the spectrum when contrasted to the highly potent, short-acting intravenous dimethyltryptamine (DMT) experience. Whereas the highly intense DMT experience is over in less than 30 minutes, the full hoasca experience lasts on average 4 hours. The analysis of data revealed that the clinical clusters of the HRS for the hoasca subjects scored in the relatively mild range when contrasted with prior investigations of the effects of intravenous DMT (Strassman et al., 1994). The clusters of intensity (1.633 ± .533), affect (.947 ± .229), cognition (.908 ± .494), and volition (1.309 ± .429) were compatible to an intravenous DMT experience between a dosage level of .1 and .2 mg/kg, whereas the cluster of perception (.484 ± .501) was comparable to an intravenous DMT experience of .1 mg/kg and the cluster of somatesthesia (.367 ± .256) was less appreciable than the lowest intravenous DMT dose (.05 mg/kg) used.

Life Story Interviews

All 15 experimental subjects provided detailed information about their personal histories, with particular emphasis on how their involvement with the UDV and experience with hoasca had impacted the course of their lives. Their age range at the time of the study was from 26 to 48 years, with a mean age of 37. Two had been born into the UDV, whereas the other 13 had formally been members for 10 to 18 years, with a mean duration of membership of 14 years. Three were currently maestres (church leaders), two were sons of senior maestres, and one was the son-in-law of a senior maestre.

Many of the subjects reported a variety of pervasive dysfunctional behaviors prior to their entry into the UDV. Eleven subjects reported having a history of moderate to severe alcohol use prior to entering the UDV, with five of them reporting episodes of binging associated with violent behavior. Two had been jailed because of their violence. Four subjects also related prior involvement with other drugs of abuse, including cocaine and amphetamine. Eight of the 11 subjects with prior histories of alcohol and other drug use and misuse were addicted to nicotine at the time of their first encounter with the UDV and ritual hoasca use. Additional self-descriptions prior to entry into their church included impulsive, disrespectful, angry, aggressive, oppositional, rebellious, irresponsible, alienated, and unsuccessful.

All 15 of the UDV subjects reported that their experience with ritual use of hoasca as a psychoactive ritual sacrament had had a profound impact on the

course of their lives. For many of them, the critical juncture was their first experience under the influence of the hoasca. A common theme was the perceived belief while in the induced altered state of consciousness that they were on a self-destructive path that would inevitably lead to their ruin and even demise unless they embarked on a radical change in their personal conduct and orientation. Some examples included: "I had a vision of myself in a car going to a party. There was a terrible accident and I could see myself die." "I was at a carnival, on a carousel, going around and around and around without ever stopping. I didn't know how to get off. I was very frightened." "I could see where I was going with the life I was leading. I could see myself ending up in a hospital, in a prison, in a cemetery." "I saw myself arrested and taken to prison. They were going to execute me for a horrible crime I had committed." Subjects also reported that while in the throes of their nightmarish visionary experience, they would encounter the founder of the UDV, Maestre Gabriel, who would deliver them from their terrors: "I saw these horrible, ugly animals. They attacked me. My body was disassembled, different parts were lying all over the ground. Then I saw the Maestre. He told me what I would need to do to put all my body parts back together." "I ran through the forest terrified that I was going to die. Then I saw the Maestre. He looked at me. I was bathed in his light. I knew I would be okay." "I was in a canoe, out of control, going down the river. I thought I would die. But then I saw Maestre Gabriel in a canoe in front of me. I knew that as long as I stayed with the Maestre I was safe."

Subjects reported that since entering the UDV their lives had gone through profound changes. In addition to entirely discontinuing alcohol, cigarettes, and other drugs of abuse, subjects emphatically stated that their daily conduct and orientation to the world around them had undergone radical restructuring: "I used to not care about anybody, but now I know about responsibility. Every day I work on being a good father, a good husband, a good friend, a good worker. I try to do what I can to help others. . . . I have learned to be calmer, more self confident, more accepting of others. . . . I have gone through a transformation." Subjects emphasize the importance of "practicing good deeds," watching one's words, and having respect for nature. Finally, subjects report experiencing improvement in their memory and concentration, continual positive mood states, fulfillment in their day- to-day interactions, and a sense of meaning and coherence to their lives.

Subjects unequivocally attributed the positive changes in their lives to their involvement in the UDV and their participation in the ceremonial ingestion of hoasca. They saw the hoasca as a catalyst in their psychological and moral evolution, but were quick to point out, however, that it was not the hoasca alone that was responsible, but rather taking the hoasca within the context of the UDV ritual structure. Several of the subjects were in fact quite critical of other Brazilian groups which utilize hoasca in less controlled and less focused settings. Subjects described the UDV as a "vessel" that enables them to safely navigate the often turbulent states of consciousness induced by hoasca ingestion. The UDV is their "mother . . . family . . . house of friends," providing "guidance and orientation" and allowing them to walk the "straight

path." They emphasized the importance of "uniao," or union, of the plants and of the people. Without the structure of the UDV, the subjects contended, hoasca experiences may be unpredictable and lead to an inflated sense of self. Within the "house of the UDV," however, the hoasca-induced state is controlled and directed "down the path of simplicity and humility."

Discussion

As this investigation was a first attempt to study the phenomenon of hoasca use from a biomedical perspective, and as the setting for the study was relatively primitive (the Brazilian Amazon), these results need to be viewed as preliminary and tentative. Nevertheless, the findings presented are intriguing and to some degree unexpected. Psychiatric diagnostic assessments revealed that although an appreciable percentage of our long-term hoasca-using subjects had had alcohol, depressive, or anxiety disorders prior to their initiation into the hoasca church, all disorders had remitted without recurrence after entry into the UDV. Such change was particularly noticeable in the area of excessive alcohol consumption, where in addition to the five subjects who had CIDI diagnoses of prior alcohol abuse disorders, six additional subjects reported moderate patterns of alcohol consumption that fell short of achieving actual psychiatric diagnostic status on formal structured interview. All 11 of these subjects with prior involvement with alcohol achieved complete abstinence shortly after affiliating with the hoasca church. In addition to their chronic substance use problems, subjects were also quite emphatic that they had undergone radical transformations of their behavior, attitudes toward others, and outlook on life. They are convinced that they had been able to eliminate their

chronic anger, resentment, aggression, and alienation, as well as acquire greater self-control, responsibility to family and community, and personal fulfillment through their participation in the hoasca ceremonies of the UDV. Althoug the salutary effects of a strong group support system and religious affiliation cannot be minimized, it is not inconceivable that the long-term use of the hoasca itself may have had a direct positive and therapeutic effect on our subjects' psychiatric and functional status. Prior biochemical analyses of hoasca preparations have identified significant monamine oxidase inhibitor action (McKenna et al., 1984), and may be relevant to these clinical findings.

Personality evaluation utilizing the Tridimensional Personality Questionnaire revealed significant differences between the UDV subjects and normal controls on both the novelty seeking and harm avoidance domains, but not on the reward dependence domain. The UDV subjects scored significantly lower on both the novelty seeking and harm avoidance dimensions as compared with control subjects. Individuals who had relatively low scores on novelty seeking have been described in the psychiatric literature as reflective, rigid, loyal, stoic, slow-tempered, frugal, orderly, and persistent (Cloninger, 1987b). Low novelty seeking scores are also associated with overall behaviors consistent with high social desirability and emotional maturity (Cloninger et al., 1991). Individuals with low harm avoidance scores are described as confident, relaxed, optimistic, carefree, uninhibited, outgoing, and energetic (Cloninger, 1987b). The association of low novelty seeking with low harm avoidance has been identified with the traits of hyperthymia, cheerfulness, stubbornness, and overconfidence (Cloninger, 1987b).

As the personality dimensions measured on the TPQ are thought to be heritable tendencies, a pertinent question arising from these results is whether the personality attributes as measured here have been influenced by long-term ceremonial consumption of hoasca or rather are they factors predictive specifically for individuals becoming involved with such a process as the UDV?

A smiliar problem arises with the interpretation of the neuropsychological data. Although long- term UDV hoasca-imbibing subjects scored significantly higher on neuropsychological testing compared with their hoasca-naive controls, as measured on the WHO-UCLA Auditory Learning Verbal Memory Test, the lack of retrospective data makes it impossible to determine whether the hoasca "tea" has had a cognitive enhancing effect or not. Although our UDV subjects spoke at length of how the hoasca had improved their powers of memory and concentration, the current methodology was not designed to definitively substantiate this connection. Only with comparative evaluation to neuropsychological performance prior to their very first experience with hoasca consumption can a comprehensive understanding of the long-term effects of hoasca on cognitive status be established. Also, only by administering such measures on naive subjects, and then following them prospectively over time with serial evaluations as they became involved with the UDV and ritual use of hoasca, can we definitively ascertain whether the hoasca does indeed improve cognitive status. The methodological approach utilized for the present study was only intended to be preliminary and exploratory, and did not possess the necessary logistics which would have allowed for such a prospective study.

Indications are, however, that given the presented data analyses, the long-term consumption of hoasca within the structured UDV ceremonial setting does not appear to exert a deleterious effect on neuropsychological function.

This study has been an initial attempt to rigorously apply contemporary research models and tools to the little-studied phenomenon of ceremonial use of the plant hallucinogen hoasca. Although with a long tradition of use among the indigenous peoples of the Amazon Basin, widespread medicinal application by the mixed race mestizo populations, and 20th century development of the syncretic churches of Brazil, medical and psychiatric researchers have up to now failed to address the question of what are the effects of this highly unusual psychoactive botanical. Testimonials of its putative health-enhancing and restorative effects need to be explored, as do allegations of its potential for deleterious outcome. The establishment of legal sanctions within a religious context in Brazil provides an important and necessary prerequisite for future objective and comprehensive investigations. The ceremonial use of hoasca, as studied within the framework of this research project, is clearly a phenomenon quite distinct from the conventional notion of "drug abuse." Indeed, its apparent impact upon the subjects evaluated in the course of our inquiries appears to have been positive and therapeutic, both in self-report and objective testing. There is clearly a need to pursue rigorous and comprehensive follow-up studies to the preliminary explorations reported here, not only to further elucidate the unique phenomenon of hoasca use within a highly structured ceremonial setting but also because of growing interest and use of

hoasca in North America and Europe. It will be imperative to carefully delineate the potential for adverse effects as well as to establish the optimal safety parameters within which hoasca might be taken. In this light, careful study of the ceremonial structure and safeguards of such groups could facilitate future research development. It is our hope that subsequent endeavors to investigate the hoasca phenomenon will explore these matters, and determine whether our preliminary findings can be replicated. Regardless of whether these results will ultimately be corroborated, we believe we have demonstrated that this fascinating, albeit neglected, phenomenon can be rigorously studied utilizing state of the art tools of research investigation.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Civ. No. 00-1647 JP/RLP

O CENTRO ESPIRITA BENEFICIENTE UNIAO DO VEGETAL (A.K.A. UNIAO DO VEGETAL) (USA) ("UDV-USA"), A NEW MEXICO CORPORATION ON ITS OWN BEHALF AND ON BEHALF OF ALL ITS MEMBERS IN THE UNITED STATES, JEFFREY BRONFMAN, INDIVIDUALLY AND AS PRESIDENT OF UDV-USA, CHRISTINA BARRETO, INDIVIDUALLY AND AS SECRETARY OF UDV-USA, FERNANDO BARRETO, INDIVIDUALLY AND AS TREASURER OF UDV-USA, CHRISTINE BERMAN, MITCHEL BERMAN, JUSSARA DE ALEMEIDA DIAS, PATRICIA DOMINGO, DAVID LENDERTS, DAVID MARTIN, MARIA EUGENIA PELAEZ, BRYAN REA, DON ST. JOHN, CARMEN TUCKER, AND SOLAR LAW, INDIVIDUALLY AND AS MEMBERS OF UDV-USA, PLAINTIFFS

v.

JOHN ASHCROFT, ATTORNEY GENERAL OF THE UNITED STATES, DONNIE R. MARSHALL, ADMINISTRATOR OF THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, PAUL H. O'NEIL, SECRETARY OF THE DEPARTMENT OF TREASURY OF THE UNITED STATES, NORMAN BAY, UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO, AND JOHN O'TOOLE, RESIDENT SPECIAL AGENT IN CHARGE OF THE UNITED STATES CUSTOMS SERVICE OFFICE OF CRIMINAL INVESTIGATION IN ALBUQUERQUE, NEW MEXICO, ALL IN THEIR OFFICIAL CAPACITIES, DEFENDANTS

[Filed: May 31, 2001]

ORDER

The Santo Daime Church, of Ashland, Oregon, through its leader, Jonathan Goldman, seeks to participate in this case as an *amicus curiae*. On March 14, 2001, the Santo Daime Church filed a Motion for Leave to File an *Amicus Curiae* Brief in Support of Plaintiffs' Application for a Preliminary Injunction (Doc. No. 23). The Defendants oppose the Santo Daime Church's motion. See Defendants' Memorandum in Opposition to Motion of Santo Daime Church to File *Amicus Curiae* Brief (Doc. No. 31), filed March 28, 2001. The Plaintiffs have indicated that they support "the Santo Daime Church's contribution to the analysis of the legal issues before the Court," but oppose allowing the church to "contribute to, and participate in the development of, the evidentiary record of this case." Notice of Clarification of Plaintiffs' Position Regarding Appearance by Santo Daime Church as *Amicus Curiae* (Doc. No. 34), filed April 3, 2001.

This Court concludes that the Church's Motion for Leave to File an *Amicus Curiae* Brief should be denied. The participation of the Santo Daime Church as an *amicus curiae* would not help this Court to make a decision regarding Plaintiffs' Motion for Preliminary Injunction. First, the Plaintiffs are adequately represented by competent counsel, who have provided extensive briefing on the legal issues raised by the Motion for Preliminary Injunction. Second, the factual circumstances relating to the consumption of hoasca tea by members of O Centro Espirita Benificiente Uniao do

Vegetal (UDV), and the government's actions in regard to that use of hoasca, differ significantly from the facts involving the consumption of Daime tea by members of the Santo Daime Church, and the government's reaction to that use of Daime. Introducing information about the Santo Daime Church into this litigation would not be useful in considering matters specific to the UDV. This Court suggests that the Santo Daime Church could best pursue its own interests as to the ceremonial use of Daime through continuing its efforts, outlined in the declaration of counsel for the proposed *amicus curiae* (Doc. No. 24), to negotiate with the Department of Justice.

IT IS THEREFORE ORDERED that the Motion of the Santo Daime Church for Leave to File an *Amicus Curiae* Brief in Support of the Plaintiffs' Application for Preliminary Injunction (Doc. No. 23) is denied.

/s/ JAMES A. PARKER
JAMES A. PARKER
CHIEF UNITED STATES
DISTRICT JUDGE

September 26, 2001

INDEX AND
MAILING LIST OF CHURCHES ON FILE WITH

THE TEXAS DEPARTMENT OF PUBLIC SAFETY

DATE OF CORRES. OR CALL	CHURCHES	ADD'L INFO	PHONE NUMBER OF CONTACT
	NATIONAL ORGANIZATIONS		
returned undeliverable 3-11-97	Native American Church of Canada United States, Canada, Mexico & Texas Randell Curley Box 1121 North Battleford, Sask S9A-3K2		(306) 937-2093 Audrey Wahobin, Secretary
[redacted] corres 8/13/97	Native American Church of North America United States, Canada and Mexico Earl Arkinson RR 1 Box 1032 Box Elder MT 59521		(406) 395-5093, Home (406) 395-4513, Work (406) 262-3735 Voice Mail Earl Arkinson, President
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ec'd corres 4-13-2000	Fort Hall Indian Reservation-Shoshone Bannock Tribes Native American Church, State of Idaho Alvin Buckskin Box 160, Route 2 North Pocatello, Idaho 83202		(208) 238-1432 Alvin Buckskin, President Donna Tindore, Secretary/Treasurer
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Rec'd corres. 12/5/95	Native American Church of America, Inc. Jim Chavis 1912 Withers Road Maiden, North Carolina 28650		Jim Chavis, President (828) 428-1447 Cheryl Chavis, Secretary/Treasure
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ec'd corres 3-11-97	Fort Berthold Native American Church Bryon L. Brady P.O. Box 625 New Town, North Dakota 58763		(701) 627-4787 [Home] Bryon L. Brady, President
Rec'd rres 2-21-97	Native American Church of Wood Lake North Dakota Sylvia Hale P.O. Box 135 St. Michaels, North Dakota 58370		(701) 766-4983 Sylvia Hale President (701) 294-3142 Frances Warner, Treasurer/Custodi
Rec'd rres. 2-21-97	Native American Church of the Dakotah Territory Gerard C. Thompson P.O. Box 103 St. Michael, North Dakota 58370		(701) 766-4642 Gerard C. Thompson, President
3-7-2001	Devils Lake Sioux Tribe Native American Church Martin Blueshield P.O. Box 195 Tokio, North Dakota 58379		(605) 226-0542 Martin Blueshield, President (204) 426-5470 Chris Youngdahl, Secretary
	OKLAHOMA		
	Caddo Native American Church Buntin Williams P.O. Box 373 Binger, Oklahoma 73009	Mail all corres to: Lucy Wabaunasee Rt. 2, Box 45-P Hinton, OK 73047	(405) 457-6561 Buntin Williams, President (405) 284-6241 Lucy Wabaunasee, Secretary

Rec'd Corres 5/8/2001	Native American Church, State of Oklahoma Larry Butler Sr., Chairman Rt 3 Box 2414 Stroud OK 73014	Teresa L. Murray Rt. 2 Box 179 P Hinton OK 73047	(918) 223-5869 Larry Butler Sr., Chairman (405) 284-6223 Teresa L Murray, Secretary
Rec'd Corres 5/8/2001	Arapaho Chapter # 5 Native American Church Roderick Sweezy Route 1 Greenfield OK 73043	Teresa L. Murray Rt. 2 Box 179 P Hinton OK 73047	(405) 884-2536 Roderick Sweezy, Chairman (405) 284-6223 Teresa L. Murray, Secretary
ec'd corres 3-2-98	Inter-Tribal Chapter Native American Church of Oklahoma Dwight Tyner Rt. 3, Box 693 Tahlequah, Oklahoma 74464		(918) 456-4771 Dwight Tyner, President (918) 540-3197 Joyce E. Ballard, Secretary
Rec'd orres. 2-25-2000	Kickapoo Chapter Native American Church of Oklahoma Mary Ann Gibson-Harry Route 2, Box 667 Norman, Oklahoma 73026		(405) 275-2097 Melvin Wilson, Chairman (405) 579-4569 Mary Ann Gibson-Harry, Secretary
[redacted]'d call 3-22-99	Kiowa Tribe of the State of Oklahoma Native American Church Nelson Bigbow HC 32 Box 1700 Lawton Oklahoma 73501		(580) 492-4195 Nelson Bigbow, President
Rec'd Corres 3-2-98	Apache Chapter Native American Church Houston Kline Kole Jr. P.O. Box 434 Fort Cobb, Oklahoma 73038		(405) 643-2909 Houston Kline Kole Jr., Chairman (405) 247-9493 Work Darrin Cisco, Secretary/Treasurer
Rec'd rres. 2-10-97	Osage Chapter of Hominy Native American Church Edward Red Eagle, Sr. P.O. Box 115 Pawhuska, Oklahoma 74056	Mail all corres to: Lois Shadlow P.O. Box 92 Hominy, OK 74035	(918) 287-1336 Edward Red Eagle Sr., President (918) 287-1420 (Work) Lois Shadlow, Secretary/Treasurer
NEW 2-02-98 [redacted]	Osage Nation - Morrell Chapter The Native American Church of Oklahoma 4117 West Nelson Skiatook Oklahoma 74070		(918) 885-4746 Preston Morrell, President (918) 396-1526 Monte Ray Robedeaux, Secretary
c'd corres 4-6-99	Otoe Chapter Native American Church Joe Dent Box 202 Red Rock, Oklahoma 74651		Did not furnish phone number.
c'd corres -8-2000	Pawnee Chapter Native American Church of Oklahoma Adrian Horsechief P.O. Box 322 Yale, Oklahoma 74085		(918) 387-2689 Adrian Horsechief, President No phone Billie Ray Horsechief, Secretary
Rec'd corres. 12/5/95	Ponca Indian Chapter Native American Church Parrish Williams P.O. Box 584 Marland, Oklahoma 74644		(405) 268-3260 Parrish Williams, President
d corres -29-98	Sac & Fox Chapter Native American Church Allen Butler PO Box 145 Agra, Oklahoma 74824		Allen Butler, President Teresa Butler, Secretary-Treasurer

Rec'd	Shawnee Chapter		(918) 425-4496

corres. 12/8/95	Native American Church of Oklahoma Lorene White 4437 North Boston Pl. Tulsa, Oklahoma 74106		Lorene White, President (918) 583-9193 Valerie Applegate, Secy/Treas
	Yuchi Chapter Native American Church of Oklahoma John George P.O. Box 571 Sapulpa, Oklahoma 74067		(918) 224-6674
c'd corres 12-3-98	Caddo Tribe State Chapter #1 Native American Church Calvin V. Williams 412 East Main Anadarko OK 73005	Corres remailed to: Johnny Smith Route 1, Box 131-A Binger, OK 73009	(405)247-3950 Calvin, V. Williams, President (405) 656-9024 Johnny Smith, Vice-President
c'd corres 3-14-97	Cheyenne Chapter (#1, 2 and 3) Native American Church of Oklahoma Rollin Haag, Sr. P.O. Box 93 Calumet, Oklahoma 73014		(405) 893-2399 Rollin Haag, Sr., President (405) 623-2472 Wilma West, Secy/Treasurer
	Comanche Native American Church Lloyd Heminokeky, Jr. P.O. Box 486 Fort Cobb, Oklahoma 73038		(405) 643-2922 (Home) Lloyd Heminokeky, Jr., President (405) 692-0256 Charldon Keith Yackeyonney, Secretary/Treasurer
Rec'd rres. 2-28-97	1918 Charter Members of the Comanche Native American Church Thomas Blackstar P.O. Box 124 Walters, Oklahoma 73572		(405) 875-2427 Thomas Blackstar, President (405) 492-5492 Lorene Kerchee Pewewardy, Secret
Rec'd Corees 2-13-97	A Wah Hun Da Ha Chapter of the Sid Moore Native Amaican Church Randy Moore 221 Cherokee Geronimo OK 73543	Mail Corres to: Isa Bravescout PO Box 211 Pawnee OK 74058	(405) 357-6229 Randy Moore, President (918)762-2469 Isa Bravescout, Secretary
	OREGON		
Rec'd rres 2-19-97	South Coast Chapter Native American Church of Oregon Barry Joyce HC84, Box OL94 Myrtle Point, Oregon 97458		(503) 396-3289 Barry Joyce, President
Rec'd Corres 9-8-97	Native American Church of Oregon Willamette Chapter 2622 Edison Street Apt B Eugene, Oregon 97402	Mail Corres. to: Anthony Rice 951 West 7th Ave #11 Eugene OR 97402	(541) 302-1272 Anthony Rice Jason Scot Comstock, Secetary
New 7-27-99	Native American Church of Siletz 563 Moonshine Park Road Logsden, Oregon 97357		(541) 444-1267 Buzz J Berry, President (541) 444-1267 Ana M Becerra, Secretary
	SOUTH DAKOTA		

Rec'd corres. 5/1/98 Came into office 12/6/95	Native American Church of Rosebud Teton Lakota Reservation Willard Fool Bull P.O. Box 112 Parmelee, South Dakota 57566		Willard Fool Bull, President (605) 747-5809 Rev. Leslie Fool Bull, Sr., Father of President
	Native American Church of South Dakota, Inc. Scott American Horse P.O. Box 580 Pine Ridge, South Dakota 57770		(605) 867-5712 Janice Sitting Bear, Secretary
Rec'd orres. 1-7-00	Native American Church of Pejuta Wakan Daryl Peneaux HCR 76, Box 5 Belvidere, South Dakota 57521		(605) 344-2214 Daryl Peneaux, President (605) 344-2214 Maxine Peneaux, Secretary
	TEXAS		
ec'd corres 4-4-2001	Tlecuauhtlacupeuh Native American Church of the Americas Anthony Davis 141 Highland Woods Bergheim, Texas 78004	Mail all Corres to: Larry Kirkpatrick 3502 Quiver San Antonio TX 78238	(505) 984-8908 Anthony Davis, President (210) 622-9276 Larry Kirkpatrick, Secretary
ec'd corres 3-21-97	Native American Church of the United States Anthony Davis P.O. Box 56 Mirando City, Texas 78369		(713) 688-0928 Anthony Davis, President (512) 586-4761 Amada S Cardenas, Secretary
ec'd call 5-14-99	Tonal Teokalli Mona Acatecatl 8148 Cooley El Paso, Texas 79907	Mail all Corres to: Lawrence Gerhardt 5714 Macon Lane El Paso TX 79924	(915) 858-2692 Mona Acatecatl, President (915) 751-9312 Lawrence Gerhardt, Vice President
c'd corres 2-7-97	The Sun Circle: Wirrika (Huichol) Native American Church Jaime O. Perez Guerrero Mara' akame Cerro Kemado 7600 Franklin Drive El Paso, Texas 79915		(915)778-4034 wk (915)778-4370 F Jaime O Perez Guerrero, President (915)532-5182 wk C. Greg Acuna, Vice-President
c'd corres 0/23,2000	Native American Church Teokalli Quetzalcoati Jose A Zepeda 1307 15th Street Hondo TX 78861	Mail all corres to: Juanita Lopez, NAC Teokalli Quetzalcoatl 1307 15th Street Hondo tx 78861	(210) 349-4054 Jose A Zepeda, President (210) 741-5586 Juanita Lopez, General Secretary
ec'd call 5-12-99	Yanaguana Tap Pilam Native American Church of the Americas Raymond R Hernandez Route 1 Box 76 B-2 Comfort Texas 78013		(830) 995-3356 Raymond R Hernandez, Preside Mario Garza, Secretary
	UTAH		
c'd corres 2-10-97	Native American Church UTE Indian Tribe, Uintah & Ouray Reservation Clifford H. Duncan P.O. Box 1692 Roosevelt, Utah 84066		(435) 353-4284 (Hm) Clifford H. Duncan, President (435) 353-4169 Alvin J. Longhair, Secy/Treasurer

ec'd corres 3-10-97	Native American Church Goshute Indian Tribes, Ibapah & Skull Valley Fort Ducheane, Utah 84026	Mail all corres to: Bernice Steele PO Box 2384 Wendover UT 89883	(801) 485-6203 Dan Murphy, President
ec'd corres 2-17-98	Four Corners Area Native American Church of Aneth Extension James R. Tso P.O. Box 976 Fruitland, New Mexico 87416		(505) 723-2495 James R. Tso (435) 651-3204 (work) Brenda Dishface, Secretary
ec'd corres 1-8-00	Native American Church of A'Shii-Beto' Johnny Blackhorse 4277 South 1350 East # B Salt Lake City, Utah 84124		(801) 424-2167 Johnny Blackhourse, President (801) 424-2167 Titania Blackhorse, Secretary
Rec'd orres. 2-28-97	Monument Valley Native American Church of North America Seth T. Bigman Sr. P.O. Box 55 Mexican Hat, Utah 84531		Did not furnish phone number.
ec'd corres 24-97 ec'd corres 14/2001	Native American Church of White Mesa, Utah Edward Dutchie Sr. P.O. Box 247 Blanding, Utah 84511 Utah Native American Church 895 West Center Street Orem Utah 84057		(801) 678-3801 Edward Dutchie Sr., President (801) 678-3801 Stephen B. Hatch, Secy/Treas (801) 222-9129 Jeff Merkey-President
	WASHINGTON		
Rec'd Corres 2-19-97	Native American Church of North America, Tacoma, Washington Sid Mills 11117 Conine Avenue Southeast Olympia, Washington 98513		(360) 438-8168 Sid Mills
ec'd corres 1-13-2000	Native American Church of Inchelium, Washington Yvonne L. Swan P.O. Box 99 Inchelium, Washington 99138	Mail all corres to: Alice M Stewart PO Box 99 Inchelium WA 99138	No telephone number Yvonne L Swan, President (509) 722-4430 Alice M. Stewart, Secretary
New 2-22-99 ew 1-11-2000	Native American Church of the Northwest Region Allan Olney PO Box 652 White Swan, Washington 98952 Native American Church of North America Of the Cowlitz Indians 815 South Taylor Road East 18 # 41 Othello, Manor Othello, Washington 99344		(509) 874-2044 Allan Olney, President (541) 553-2526 Janis W Gunshows, Secretary (509) 331-0454 Eustaquio Angel, President (509) 331-0454 Pauline Angel, Registered Agent
	WISCONSIN		
	Greater Eau Claire, State of Wisconsin Douglas J. Long Route 1, Box 57 Osseo, Wisconsin 54758		Tony Lee, VP (505) 598-6465
Corres. turned by ost Office 2-10-97	White Cross Chapter Native American Church of Wisconsin Lawrence L. Walker, Jr. P.O. Box 133 Nekoosa, Wisconsin 54457	unable to forward correspondece or get in touch with anyone, phone # belongs to someone else	(715) 886-5879 Gloriana Walker, Secretary

Rec'd cprres 1/30/2001	Half-Moon Fireplace Inc. Native American Church of Wisconsin Joe White Eagle 53062 Fox Hill Road Baraboo, WI 53913		Joe White Eagle, President (608) 356-9189 Toni Funmaker, Secretary phone number.
Rec'd corres 9/21/2001	Black River Falls - Jackson County Native American Church of Wisconsin Ervin Funmaker PO Box 174 Merrillan, WI 54754		(715) 284-7548 Norman Snake Sr, Preside Ervin Funmaker, Treasurer/Custodi Maxine Kolner, Secretary
Rec'd corres. 2-28-97	Native American Church of the Menominee Reservation Half Moon Fireplace, Ltd Ronald J. Maskewit 706 McIntosh Street Wausau, Wisconsin 54403	Mail all corres to: Allen Dodge PO Box 1201 Keshena WI 54135	(715) 845-8346 Ronald J. Maskewit, President (715) 799-4749 Allen M. Dodge, Secretary/Treas.
Per Call 2-14-00	Native American Church Cross Fire Place Of Mauston Chapter # 187 N6012 15th Avenue New Lisbon, Wisconsin 53950	Mail all corres to: Susie Banaszak N6012 15th Avenue New Lisbon WI 53950	(608) 847-7548 Gordon M Decorah, President (608) 847-7920 Susie Banaszak, Secretary
	WYOMING		
	Native American Church of Wyoming for Arapahoes & other tribes Abraham Spotted Elk, Sr. P.O. Box 8673 Ethete, Wyoming 82520		(307) 332-5873
ic'd corres 3-2-88	Native American Church of Fort Waskakie, Wyoming Starr Weed Sr. PO Box 193 Fort Waskakie, Wyoming 82514		(307) 332-5283 Starr Weed Sr, President (307) 332-6675 Elaine Cady-Weed , Sec/Treas

[Defendants' Exh. ZZ]

REPORT OF SANDER G. GENSER, M.D., M.P.H.

Experience

1. My name is Sander G. Genser, M.D., M.P.H. I received my M.D. (1969) and M.P.H. (1973) and completed my Postdoctoral Fellowship in Psychiatry at the Yale University School of Medicine (1973). I interned at Philadelphia General Hospital, University of Pennsylvania Service (1969-70). I am a Diplomat of the American Board of Psychiatry and Neurology in General Psychiatry (1978) with Added Qualifications in Addiction Psychiatry (1997), and a Clinical Associate Professor of Psychiatry (Adjunct), Uniformed Services University of the Health Sciences. I hold the rank of Medical Director in the Commissioned Corps of the Public Health Service.

2. I am currently the Chief, Medical Consequences Unit, Center on AIDS and Other Medical Consequences of Drug Abuse, National Institute on Drug Abuse ("NIDA"), National Institutes of Health ("NIH"). In that capacity, I am responsible for initiating, developing, and managing a national and international research program on the medical/health and mental health consequences of drug abuse. I work with potential research grantees to develop study designs and research publications that meet peer review standards of scientific adequacy and importance to these areas. My M.P.H. degree entails a concentration in biometry, which is the quantitative statistical design, analysis,

and criticism/evaluation of studies of biological, including clinical, issues.

3. Prior to my current position, I was Acting Chief of the Clinical Medicine Branch, NIDA, from 1990 until April 1996 and was a Research Psychiatrist in the Clinical and Behavioral Pharmacology Branch. I am a Commissioned Officer who came to NIDA on entering the Public Health Service in October 1984, after holding a number of positions at the Walter Reed Army Institute of Research, Division of Neuropsychiatry. I engage in ongoing teaching of medical students and psychiatry residents. My clinical experience includes administration of detoxification, partial hospitalization, outpatient drug-free, residential, and methadone maintenance drug treatment programs. I hold medical licensure in Maryland, Virginia, and the District of Columbia. My areas of research and publications (see curriculum vitae, Exhibit A) include the linkage of drug abuse treatment and medical care, interrelationships between sex and drug use risk behaviors, co-morbid mental and substance abuse disorders, and social networks and drug abuse aspects of AIDS.

4. In the context of my current position at NIDA, I have not been called upon to perform as an expert witness. However, with respect to clinical practice, I have been deposed once during the last four years. This occurred with respect to a case involving a former patient and the Equal Employment Opportunity Commission in which the patient was seeking reimbursement for medical/psychiatric treatment incurred as a result of a condition said to have been precipitated by adverse employment conditions. (*Soos* vs. *FDIC*, Washington, D.C., 1999). Additionally, I was called to testify to the psychiatric condition and treatment of

another patient who was attempting to regain parental rights lost as a result of a prior legal event. (In re Mark Anthony Miller, Rockville, MD, 2000). These have been my only formal involvements with expert depositions or testimony during the last four years.

5. I have been asked to testify for the United States in this case, and to give my objective opinion regarding the health and safety aspects of ayahuasca use. As I am already a federal employee, I am not receiving any special compensation for my work in this case.

Sources

6. In preparing this report, I reviewed the declarations of Plaintiffs' scientific experts (Charles S. Grob, M.D., David E. Nichols, Ph.D., Dr. Glaucus De Souza Brito, Rick J. Strassman, M.D., and Charles Schuster, Ph.D.), as well as the existing medical and scientific literature on ayahuasca and DMT as referred to in those declarations and as located by a Medline search for materials from 1965 to the present (July, 2001) pertaining to DMT, ayahuasca, hoasca, harmine (one of the chemical components of ayahuasca), and daime (another name for ayahuasca). Additionally, I reviewed the Affidavit of Expert Witness, DEA File No. RX-99-0002, which is a chemical analysis of DMT content in samples of ayahuasca obtained by the Drug Enforcement Administration. I also relied on the following sources: Stephen M. Stahl, *Essential Psychopharmacology, Neuroscientific Basis and Practical Applications*, Second Edition, Cambridge University Press (2000); Marc Galanter & Herbert D. Kleber, *Textbook of Substance Abuse Treatment*, American Psychiatric Press (1994); and *The Physician's Desk*

Reference, 55th Edition, Medical Economics Company (2001).

7. The sources cited in this report are as follows:

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Analysis

8. Based on the above sources and my 31 years of expertise in evaluating the medical and mental health consequences of controlled substance use, I conclude that ayahuasca presents significant concerns regarding its effects on physical and/or mental health. These concerns stem from the skeletal existing research regarding dimethyltryptamine and ayahuasca, in combination with the known health risks of pharmacologically similar substances. They also stem from concerns regarding what is known about the effects of the beta-carbolines that are present in ayahuasca. The full basis for my conclusion is set forth below.

9. Ayahuasca is a highly complex mixture of compounds, at least two of which are known to have pharmacological actions with psychoactive components. The first of these is N,N-dimethyltryptamine ("DMT"), a hallucinogen with a known short duration of action that is normally not psychoactive when ingested orally. The second is a set of harmine, harmoline, and 1,2,3,4-tetrahydroharmine alkaloids, all of which are examples of "beta-carbolines," which are known to be inhibitors of monoamine oxidase ("MAO"), an enzyme present in the gastrointestinal tract and liver. The inhibition of MAO prevents the rapid metabolism of orally ingested DMT and allows it to reach levels in the brain that manifest its hallucinogenic action.

10. There is a dearth of reliable medical or scientific literature addressing the effects of ayahuasca. For example, the 1996 study conducted by Dr. Grob et al. (Plaintiffs' Exhibit G) acknowledged the following limitations (among others): (1) the sample size was very small; (2) the sample was restricted to experienced ayahuasca users; (3) all members of the sample group were male; and (4) baseline data—i.e., data from the period prior to ayahuasca exposure—was not available. In the following passage from the study (p. 93), Dr. Grob is referring to neuropsychological status and hypothesized positive effects on cognitive performance, but his statements are equally applicable to any effects that such a study might attempt to measure:

> Although long-term UDV hoasca-imbibing subjects scored significantly higher on neuropsychological testing compared with their hoasca-naive controls . . . the lack of retrospective data makes it impossible to determine whether the hoasca "tea" has had a cognitive enhancing effect or not . . . . Only with

comparative evaluation to neuropsychological performance prior to their very first experience with hoasca consumption can a comprehensive understanding of the long-term effects of hoasca on cognitive status be established. Also, only by administering such measures on naive subjects, and then following them prospectively over time with serial evaluations as they became involved with the UDV and ritual use of hoasca, can we definitively ascertain whether hoasca does indeed improve cognitive status. The methodological approach utilized for the present study was only intended to be preliminary and exploratory, and did not possess the necessary logistics which would have allowed for such a prospective study.

11. Moreover, Dr. Grob also states (p. 92) that "[s]everal of the subjects were in fact quite critical of other Brazilian groups which utilize hoasca in less controlled and focused settings." Study of these other Brazilian groups as well as "dropouts" from use may be more sensitive in revealing potential deleterious effects of ayahuasca. By studying those who have remained stable, "successful" UDV members for many years and have, in that context, attained positions of responsibility in the UDV while using ayahuasca on a long-term basis, one is selecting a group of people who have proven to be "healthy survivors" of these experiences. One would expect that this group is least likely to show any deleterious effects.

12. The existing literature on DMT—the primary psychoactive component of ayahuasca—is similarly lacking. There was relatively little scientific study of DMT until the past decade. While there have been some studies in the past few years, these studies, like

the existing studies of ayahuasca, have also relied on small samples of carefully screened, otherwise healthy, experienced hallucinogen users. (Strassman, 1994 & 1996) This makes it impossible to generalize from these studies to a population containing more potentially vulnerable individuals. Moreover, in these studies, the amount of DMT administered was carefully controlled. The DMT content of ayahuasca, on the other hand, has been shown to vary significantly from batch to batch, due at least in part to the variation in the DMT content of each individual *psychotria viridis* plant. (Callaway, 1999) Unless each batch of ayahuasca is chemically tested for DMT concentration and the dose adjusted accordingly, the amount of DMT ingested by ayahuasca users is an unknown variable.

13. Even relying on carefully screened subjects receiving known doses, existing studies have raised flags regarding potential negative physical and psychological effects. In Strassman's studies, two subjects administered intravenous DMT showed a sufficiently significant rise in blood pressure that Strassman recommended that subjects with a history of hypertension, even though currently asymptomatic, not be considered for future intravenous DMT studies. Another subject experienced a relapse of depression that Strassman acknowledges was probably due to an anxiety-ridden DMT session. In a recent study in which ayahuasca was administered to six healthy male volunteers, one of the six volunteers experienced such an intense anxiety and disorientation in response to ayahuasca that he withdrew from the study. (Riba, 2001) There are also unanswered but troublesome questions regarding the role that DMT plays in mental illness. A recent study (Pomilio, 1999; see also Gillin, 1976 and Corbett, 1978)

observed that "the experimental psychosis observed after drinking 'ayahoasca' reproduces the transmethylation hypothesis of schizophrenia," confirming that the hallucinogenic compounds detected in urine samples from healthy subjects after administration of ayahuasca are "the same as those found in samples from acute psychotic unmedicated patients."

14. Given the relative absence of good data on ayahuasca, our broader experience with compounds that have pharmacological properties in common with the known components of ayahuasca provides us with the best available basis for describing a set of reasonable concerns. LSD, for example, is a compound that shares the same chemical classification as, and has pharmacological properties in common with, DMT. A danger with LSD is that the user may suffer a devastating psychological experience, including recollections of suppressed memories, resulting in a long-lasting psychosis. (McLellan, 1979) Post-LSD psychoses are unpredictable, and sometimes follow a single dose, but are more common in people with prior psychopathology. Post-LSD psychoses resemble schizoaffective disorders, and are frequently accompanied by visual disturbances. The full extent of this problem with the other hallucinogens is not yet known.

15. In a study of repeated intravenous administration of DMT to human subjects in a laboratory setting, Strassman, Qualls, and Berg (1996) showed the absence of tolerance to hallucinogenic effects of DMT in the presence of tolerance to other biological effects (changes in ACTH, prolactin, cortisol, and heart rate responses). This absence of tolerance raises issues of whether there may be sensitization to the hallucinogenic effects, such that the brain becomes increasingly vulnerable to

entering the hallucinogenic state in the presence of increasingly smaller amounts of DMT. If sensitization is present, it could lead to increased vulnerability to psychosis in some individuals. No one has scientifically addressed issues about the safety of administration of exogenous DMT to individuals who have either histories or vulnerabilities to psychotic disorders such as mania and schizophrenia.

16. Another phenomenon known to occur with LSD and potentially other hallucinogens as well is persisting perceptual disorder, also known as "flashbacks." Psychophysiological studies with users of LSD have demonstrated long-term persistent changes in parameters of visual function, even in the absence of the overt presence of "flashbacks." (Abraham, 1993).

17. Risk of accidental morbidity/mortality is a potential problem with the use of any psychoactive substance, especially one that causes hallucinations and may alter judgment. Based on what is known for other hallucinogenic drugs, the potential for accidental injury and/or death does exist for users of ayahuasca. While this risk may be minimized by controlling the setting in which the hallucinations occur, it cannot be eliminated. Individuals under the influence of hallucinogens may choose to conceal their level of continued impairment and/or their intention to engage in risky activities, and indivdiuals who, for whatever reason, become determined to engage in self-harming activities are able to do so even in settings such as closed inpatient psychiatric units.

18. A useful chapter on hallucinogens may be found in the following reference: Ungerleider, J. Thomas & Robert N. Pechnic, "Chapter 9: Hallucinogens," in Galanter, Marc & Herbert D. Kleber, Textbook of

Substance Abuse Treatment, American Psychiatric Press, 1994. The chapter describes the various adverse effects that may result from hallucinogen use, including persisting perceptual disorder, chronic anxiety and depressive states, personality changes, diminution of a variety of acceptable social behaviors, schizophreniform and/or prolonged psychotic reactions, acute anxiety/panic reactions, paranoid reactions, precipitation of violence, suicidal ideation/attempts, and accidental injury based on impaired judgement/perception. We do not have the data to address to what degree any of these effects are relevant to ayahuasca; our best evidence is therefore the evidence we have pertaining to these other hallucinogens.

19. It has been suggested in this litigation that, because the perceptual distortions created by ayahuasca are qualitatively milder than those of injected DMT, ayahuasca cannot be usefully be described as a hallucinogen or compared to other hallucinogens. While the effects of orally ingested DMT may be different from those of injected DMT, the fact remains that the ayahuasca used by UDV, as described in the relevant literature, is fully hallucinogenic. The hallucinatory threshold for orally ingested DMT, as reported by Ott, is .3 to .4 mg/kg. (Ott, 1999) A "typical" UDV dose, according to Callaway et al., delivers at least .48 mg DMT per kilogram of body weight. (Callaway, 1999) The dangers generally attendant with hallucinogens are thus presumptively attendant with ayahuasca use.

20. In addition to the significant concerns surrounding ayahuasca's DMT content, there are equally significant concerns regarding the beta-carbolines contained in ayahuasca. One cause for serious concern is the potential interaction of the beta-carbolines in ayahuasca,

due to their MAO-inhibiting effects, with certain substances that contain selective serotonin reuptake inhibitors (SSRIs) or serotonin reuptake inhibitors (SRIs). SSRIs are contained in a number of approved medications used primarily in the treatment of affective and anxiety disorders, such as fluoxetine (Prozac), sertraline (Zoloft), paroxetine (Paxil), and citalopram (Celexa). SRIs are contained in certain over-the-counter preparations, such as St. John's Wort. There may also be interactions with commonly used over-the-counter systemic decongestants, e.g., pseudoephedrine, and with bronchodilators commonly used to treat acute attacks of bronchial asthma, e.g., epinephrine. (Callaway, 1998)

21. The Physician's Desk Reference, a standard reference text used by physicians for information on medications and their interactions, describes the interaction between the "irreversible" MAO inhibitors (defined in ¶ 23, below) and the SSRIs as "serious, sometimes fatal, reactions (including hyperthermia, rigidity, myoclonus, autonomic instability with possible rapid fluctuations of vital signs, and mental status changes that include extreme agitation progressing to delirium and coma)." p. 3113. This interaction may be manifested along a continuum of severity and is sometimes known as the "serotonin syndrome."

22. Irreversible MAO inhibitors are also known to interact negatively with tyramine, a substance contained in many common foods, including cheeses, sour cream, wine, beer, bananas, raspberries, avocados, chocolate, and yogurt. Ingestion of tyramine in conjunction with MAO inhibition can result in a potentially fatal acute increase in blood pressure. A useful summary of dietary substances (as well as medications) that

may interact harmfuly with MAO inhibitors may be found in the Physician's Desk Reference (p. 3113-14) in the section on tranylcypromine (Parnate), one of the irreversible MAO inhibitors available for prescriptions.

23. "Irreversible" MAO inhibitors permanently inactive MAO, i.e., they bind to the MAO molecule and destroy its function forever. A "reversible" MAO inhibitor may also bind with MAO and prevent its function. However, dependent on biochemical factors determining the tightness of the bond between the MAO and the reversible inhibitor, the latter may be displaced from the MAO by sufficiently high concentrations of molecules that compete for the binding site on the MAO, in which case the function of the MAO is restored immediately.

24. There are no published studies on ayahuasca regarding the extent of MAO inhibition, the reversibility and persistence of this effect, and the individual differences in these parameters. A number of factors related to individual differences in physiology and metabolism, as well as the concentration of MAO inhibitors in the particular preparation of ayahuasca and the dose administered, may determine the extent and persistence of MAO inhibition for an individual. The greater the degree and persistence of MAO inhibition for an individual, the more vulnerable that individual would be to more severe reactions to contraindicated medications and foods. Data on the range of levels and persistence of MAO inhibition by ayahuasca would be required to estimate the actual risk of such interactions for individuals. In the absence of any such data, given the potential severity of an adverse reaction, extreme concern is warranted.

25. An additional concern about the beta-carbolines is raised by O'Hearn (1999), who found that, in rats treated with harmaline (a beta-carboline found in ayahuasca), a certain subset of cells in the cerebellum degenerates. This confirmed neurotoxicity in animal models raises salient concerns about neurotoxicity in humans. The related issue of neuropsychological toxicity caused by hallucinogen use is addressed by Halpern (1999), who concludes in part that the failure of existing studies to show any residual effects may be influenced by small sample sizes, lack of older subjects, paucity of subjects with greater than 50 exposures to hallucinogens, and an insufficiently broad range of measures.

26. Furthermore, it is noted in the literature that beta-carbolines (1) interact, directly or indirectly with DNA, raising the specter of mutagenic potential; (2) alter important enzyme systems, e.g. cytochrome P-450 in the liver; and (3) show cardiovascular effects in an animal model (de Meester, 1995; Shimoi, 1992; Aarons, 1977). These findings raise additional safety issues with respect to the beta-carbolines in ayahuasca beyond those issues related to MAO inhibition, serotonin reuptake properties, and potential neurotoxicity.

27. Another relevant and serious concern is ayahuasca's potential effect on development. Plaintiff's expert has testified that female UDV members use ayahuasca when pregnant, even ingesting it during childbirth. The drugs in ayahuasca cross the placental barrier and reach the developing fetal brain. There are no data on how ayahuasca may affect the developing brain (or other organs/systems under development) as well as potential effects on pregnant women themselves. The former issue remains relevant even if use of the Ayahuasca is restricted to individuals 18 years of

age or above, since development of frontal/prefrontal brain regions important in executive function (delay of gratification, performance of complex tasks, planning, engaging in behavior guided by long term goals) typically is not complete by age 18.

28. In conclusion, given the reasonable and serious concerns about safety arising from the known pharmacological effects of ayahuasca, its components, and similar compounds, and given the absence of sufficient data addressing those concerns, ayshuasca cannot at this point be considered safe outside controlled research settings.

[Defendant's Exh. JJJ]

REPORT OF ALEXANDER M. WALKER, M.D., Dr. PH

Background

1. My name is Alexander M. Walker. I am Professor of Epidemiology at the Harvard School of Public Health, and I am Senior Vice President for Epidemiology at Ingenix Pharmaceutical Services, which is the research arm of United Health Group. I teach and conduct epidemiologic research.

2. I earned doctorates in Medicine (1974) and Epidemiology (1980) from Harvard University, where I joined the faculty of the School of Public Health in 1979. I hold an undergraduate degree in Biochemistry, and a Master's of Public Health degree, both from Harvard as well.

3. Essentially my entire research career has been devoted to the epidemiologic study of the safety of drugs, medical devices, and vaccines. Studies in which I have played a leading role over the past 20 years include nearly the whole range of modern therapeutics. I have published, as principal author or coauthor, over 200 research papers, editorials, commentaries, book chapters, and reviews. I teach courses in epidemiologic methods and in the science of pharmacoepidemiology (the epidemiologic study of drug effects) to graduate students at Harvard. The topics of my courses include specific instruction on the proper conduct of each of the kinds of research that I will discuss below. I supervise graduate student thesis research at Harvard.

4. I have served as consulting statistician to the *New England Journal of Medicine* and am currently a contributing editor at *The Lancet*. My responsibilities

at these medical journals over the years have involved the detailed analysis of many hundreds of research papers submitted for publication at a stage when they had passed peer review. Serving as, in effect, the final step in these journals' quality control procedures, I have acquired substantial expertise in the evaluation of epidemiologic research.

5. My participation in court proceedings over the past four years is a follows. I have submitted a report for use by plaintiffs in as trial in England concerning the safety of certain classes of oral contraceptives. I have provided a report in the same area to BFARM, the German counterpart of the United States Food and Drug Administration, for use in a trial in which makers of the same oral contraceptives challenged BFARM's health warnings in the product labels of their products. I have provided a report on the health of automobile mechanics for use in an upcoming trial in New York (*Lopez* v. *Allied signal*), at which I expect to testify.

6. I have ben asked to evaluate the declarations of Charles S. Grob, M.D., concerning the safety of *hoasca*. To this end, I have reviewed the following documents: Declaration of Charles S. Grob, M.D., marked "Plaintiff's Exhibit F"; Second Declaration of Charles S. Grob, M.D., marked "Exhibit V"; Report of Sander G. Genser, MD, MPH, no date; "Human Psychopharmacology of Hoasca, a Plant Hallucinogen Used in a Ritual Context in Brazil" by Charles S. Grob and others, published in 1996 in the *Journal of Nervous and Mental Disorders*, Vol. 184, pp.86-94; "The Scientific Investigation of Ayhuasca: A Review of Past and Current Research," by Dennis J. McKenna and others, published in 1998 in *The Heffter Review of Psychedelic Research*, Vol. 1, pp. 65-77; "Ayahuasca Preparations and Serotonin Reuptake

Inhibitors," by James C. Callaway and Charles S. Grob, published in 1998 in the *Journal of Psychoactive Drugs*, vol. 30, pp. 367-369; and "Platelet Serotonin Uptake Sites Increased in Drinkers of *Ayahuasca*," by James C. Callaway and others, published in 1994 in *Psychopharmacology*, Vol. 166, pp. 385-387.

Conclusion

7. Based on my review of the above materials and my extensive training in and knowledge of the fields of epidemiology, biostatistics, and drug safety evaluation, it is my opinion that the research on which Dr. Grob's conclusions are based is inadequate to support any meaningful statement about the health effect of *hoasca*.

Analysis

8. Studies of the effects of drugs on humans encompass both experimental and nonexperimental (observational) research. The purpose of all studies of health effects of drugs is to identify those effects that are caused by the drugs in question. This is tantamount to asking the hypothetical question, "If we could compare the health state of a person who has taken the drug to the health state of the same person had he not take the drug, how would those states differ?" The difference between the observed state and the state that would have existed in the absence of taking the drug is the causal effect of the drug. This formulation of the causal effect is theoretical, because one of the two arms of the comparison is counterfactual: it is not possible for a person at the same time to both have taken and not taken the drug. The theoretical formulation serves to set the standard against which to compare practical studies.

9. The highest practical standard for assessing drug effects—i.e., the practical method that comes closet to approximating the above hypothetical—is the double-blind randomized controlled trial, which falls under the category of an experimental (versus observational) study. In a controlled trial, a suitably large number of patients is assembled, and some (typically half) are chosen at random to receive the drug being tested, while the others receive an inactive agent, called a placebo. Although the individuals receiving the active drug and the placebo are not identical, the grups can be expected to have similar characteristics, since they were chosen by lot from the common pool of study candidates. The selection criterion is unconnected to any characteristic of the individuals involved. The pretreatment differences between groups are only those that can arise by chance, and the play of chance can be reduced to any desired small level by selecting sufficiently large comparison groups. The exact number of patients enrolled depends on the variability of the health outcomes to be measured and the size of the health effect that the investigator wishes to identify. Typically, the studies relied upon for new drug approvals in the United States include many hundreds of patients, and often many thousands.

10. Neither the study nor the investigators who investigate their health status are told whether any given subject has received the active drug or the placebo (hence the term "double-blind"). The purpose of blinding is to prevent an alteration in the true or measured health state that results exclusively from the hopes, fears, or expectations of either the study subject or the investigator. The potential for such distortion

has been noted even where standardized measurement tools are used to evaluate subjects, and is particularly present where the evaluation relies on self-reporting or other subjective measures.

11. When it is not practical or ethical to conduct a double-blind randomized controlled trial, investigators may undertake a prospective, comparative cohort study. A comparative cohort study differs from a clinical trial in that the assignment to active drug and comparison group is not carried out by the investigators, but is left to forces outside the study, such as social, economic, historical, and medical circumstances that may influence the drug choice of the study subjects and their doctors. It is therefore characterized as an observational study rather than an experimental one. Investigators who embark on these studies have a number of strategies for making the comparison one that provides an estimate of the causal effect of the drug. For instance, they may choose subjects who were as similar as possible to one another before taking the study drug; they may still blind the health outcome evaluators to the drug taken by each of the study subjects; and they may employ carefully standardized measurement tools, to reduce the role of observer or participant bias in the final measurements.

12. Retrospective, comparative cohort studies—another type of observational study—share many features with their prospective counterparts, except that measurements of health status are carried out after the fact. There are still compared groups, selected by the investigator to be as similar as possible, but the drug exposure that defines the groups has occurred in the past. The researcher seeks to identify and follow up on every member of the study groups to

learn his or her current health status. The researcher will still blind health assessors as to the initial treatment status and to the study hypothesis, and will provide the study subjects with as little information about the details of the study design and purpose as may be consistent with ethical research practice.

13. The studies of the effects of *hoasca* relied upon by Dr. Grob possessed almost none of the desirable features outlined in the preceding three paragraphs. In these studies, fifteen male volunteers who had been members of the oldest parish of the syncretic church Uniao do Vegetal (UDV) for at least ten years underwent a series of psychological tests and one laboratory study, the results of which were compared to the findings of the same procedures in 15 comparison men of similar age, marital status, and education. The UDV subjects regularly consumed *hoasca* tea as part of their religious affiliation. None of the comparison subjects had drunk *hoasca*. In almost every respect measured, the UDV adherents exhibited more positive and fewer negative psychosocial qualities than did the comparison subjects. The one laboratory study indicated an alteration in the blood that may point to a change in the density of chemical receptors in the brains of *hoasca*-consuming persons. In the taxonomy described above, this research was something like a retrospective comparative cohort study, with the important difference that the subjects were selected on the basis of their current characteristics (members of the UDV or not), and not solely on the basis of their characteristics at some point in the past.

14. The research falls short of providing evidence on the health effects of *hoasca* for a number of reasons. First, the study groups were not comparable. Accord-

ing to Dr. Grob and his coinvestigators, UDV adherents abstain from alcohol and other intoxicating substances, they maintain high standards of responsibility to family and society, they are diligent, and they are respectful of their church's leadership. In selecting long-term members of UDV as their study group, the Hoasca Project team necessarily included perjsons who were able to confirm to the church's precepts over extended periods. There was no similar requirement for stable, long-term, willing church attendance in the comparison group. By itself, this one omission ensured that the *hoasca*-consuming group would have a favorable psychological profile. The choice of compared subjects in such a way as to systematically and predictably (even if not deliberately) affect the study outcome is called "selection bias." Selection bias would have rendered the study results uninterpretable, even if every other facet of the research had been flawless.

15. The selection of study subjects on the basis of current characteristics (here, membership in the UDV) adds to the selection bias. In an extreme and hypothetical case, no one who had died as the direct or indirect result of *hoasca* use could have entered the study, and so the study was incapable of detecting lethal effects. The less extreme possibility that *hoasca* use could sometimes prompt behaviors incompatible with the UDV's teachings is also undetectable in a study such as the one performed by the Hoasca Project. These possibilities are entirely speculative, and I have seen no evidence that either death or social dysfunction arises from *hoasca* use; the point is that the reported study could not even in principle detect such serious problems. This is a real and concrete defect in the study design.

16. The measurements in the study were incomplete. Investigators who wish to assess the effects of *hoasca* use would at a minimum need to have an assessment both before and after regular use of *hoasca*. The absence of baseline data (i.e., an assessment before regular *hoasca* use) greatly compounds the uncertainties raised by the selection procedures as discussed above.

17. Because the study could not be blinded, health information may not have been comparably ascertained in the *hoasca* and in the comparison group. The subjects and the investigators were aware of the research question and of the *hoasca*-use status of the subjects. The UDV members, at least, could be expected to desire a positive outcome of the study, namely, evidence that their use of *hoasca* was harmless or even beneficial. Although the research tools involved standardized questionnaires and interview techniques, it is possible that the expectations of the researchers could have colored the interview and test responses, as well as their interpretation, and it is very likely that the beliefs and hopes of the study subjects could have done so (with the possible exception of the single blood study, which is less susceptible to such distortions).

18. The number of study subjects was very small. With 15 subjects in each arm of the psychological testing comparison and even fewer for the blood study, the results are statistically unreliable. In measuring group averages for characteristics that may vary between individuals (a measurement that is necessary for making comparisons between groups), it is necessary to obtain large numbers of study participants in order to get a statistically stable estimate of the average characteristics of each group. As mentioned

above, studies of drug effects that are incorporated into New Drug Applications at the Food and Drug Administration typically include many hundreds, even thousands of subjects. Smaller studies do not provide acceptable levels of proof, even if their design and conduct are otherwise irreproachable. In this case, the studies in question were methodologically unsound to begin with, and the small sample size compounds their unreliability.

19. As a result of such basic deficiencies, I believe that it is not possible to draw any meaningful conclusions about the health effects of *hoasca* from the studies relied upon by Dr. Grob. To the extent Dr. Grob draws any such conclusions in his declarations, they must be considered unsupported by the evidence he cites.

[Defendants' Exh. VVV]

REPORT OF DONALD ROBERT JASINSKI, M.D.

Experience

1. I am a medical doctor and professor of Medicine at the Johns Hopkins School of Medicine in Baltimore, Maryland. I am also the Chief of the Center for Chemical Dependence at the Johns Hopkins Bayview Medical Center. Since 1965, I have been actively engaged in research of substance abuse, in treatment of patients who abuse or are dependent on such substances, and in the teaching and training of other health care professionals and scientists about substance abuse and dependence. A more detailed outline of my background along with my publications in the last 10 years and beyond is contained in my curriculum vitae (Exhibit A). I have been retained at the rate of $375 per hour to provide information and testimony for the United States in this case regarding the pharmacological abuse potential of ayahuasca.

2. From 1965 to 1985, I was a Commissioned Officer in the United States Public Health Service assigned to the Addiction Research Center, the Federal Government's laboratory on addictions located originally in Lexington, Kentucky and currently the intramural research program of the National Institute on Drug Abuse. In this capacity, I was responsible for conducting research studies in humans to assess the abuse potential of drugs and substances and to understand the causes and treatment of abuse and addiction.

3. From the mid 1950's until the early 1970's, the Addiction Research Center was a major site conducting studies in humans of hallucinogens under the direction

of Harris Isbell, M.D. Dr. Isbell retired from the Addiction Research Center to join the faculty of the University of Kentucky [2] in 1963, but maintained the research program in hallucinogens as a guest worker. In 1965, I assumed medical responsibility for these experiments and became a scientific collaborator of Dr. Isbell. For a number of years, I lectured on the human pharmacology of hallucinogens.

4. In the past four years, I have testified or given depositions in a number of cases. In all of these, I was qualified as an expert witness on in the areas of the human pharmacology of drugs of abuse, addiction treatment, and abuse potential. From my "existing" records and recollection,[1] these cases are:

United States vs Hitzig
Jason Williams vs State of Alabama
Linwood Boyd et al v. North Arundel Hospital Association
Casey & Welsh v. Jonathan Cole
Brooks v. The Paul Revere Life Insurance Company
J. Patrick Moulds, M.D. v. Provident Life and Accident Insurance Company
Dr. Stephen Laucks v. Provident Life and Accident Insurance Company
Williams Woods v. Provident Life and Accident Insurance Company
Martens v. Ortho-McNeil

[1] At the time of writing, my assistant is temporarily out of the office due to medical reasons. Further details on the cases listed above will be provided when she returns.

Sources

5. In forming my opinion, I relied on my experience as described above, and considered the following sources in the scientific literature:

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In addition, I was furnished the following:

1) Declarations of Drs. Glaucus de Souza Brito, Charles Schuster, David E. Nichols, and Mark Albert Robert Kleiman

2) Affidavit of Expert Witness DEA File No. RX-99-0002 (analysis of ayahuasca samples obtained by DEA)

Analysis

6. It is my opinion, based on my more than 35 years of experience and my review of the relevant existing science, that ayahuasca has a significant potential for abuse. This conclusion is based on the known "reinforcing" pharmalogical effects of dimethyltryptamine and ayahuasca, as well as the known abuse potential of substances with pharmacologically similar effects, i.e., the LSD-like hallucinogens. The reasons for my conclusion are more fully set forth herein.

7. The term "abuse," as used in the Comprehensive Drug Abuse and Treatment Act, in the Convention on Psychotropic Substances, or in the title of government agencies such as the National Institute on Drug Abuse or the Substance Abuse and Mental Health Administration, is not expressly defined. In these contexts, the term abuse most often refers to the use of drugs, [6] chemicals, or substances for other than legitimate medical or scientific purposes, as set forth in the Comprehensive Drug Abuse and Treatment Act. In a broader sense, abuse refers to the taking of any drug or substance that in a way or for a purpose that is not consistent with socially determined standards. The terms implies adverse consequences, such as preoccupation with the obtaining and using the substance to the point of affecting social functioning, health, or legal status.

8. The potential for abuse of a drug or substance is recognized by one of two means. The first is as a consequence of extensive street abuse resulting in social harm or public health problems. Usually, this recognition of social or public health ills is derived from criminal or epidemiologic investigations. The second is

pharmacologic, i.e., experimental studies of the effects of the drugs.

9. Pharmacologic studies identify drugs of abuse in two ways. First, studies may demonstrate the "reinforcing" properties of a drug (discussed below). Measurement of these effects experimentally is used as a indication of the abuse potential of a drug. Second, pharmacologic studies may be used to identify drugs that are similar to that of a drug of known abuse potential. The concept of similarity of effects is an established basis for assessing abuse potential and for control decisions (26).

10. Approximately seventy years ago, scientists began to study drugs to determine the salient pharmacologic effects that were responsible for abuse and to develop a model of the process by which abusers became addicted (22, 24, 25). The first drugs studied were the opiates, such as morphine and heroin. Repeated abusers of opiates showed less effect to some of the reinforcing effects over time and sought larger doses to compensate phenomenon known as [7] "tolerance." Abrupt termination of opiates after repeated administration resulted in excessive activity of the autonomic nervous system, negative changes in mood, thinking, feelings and perception, and changes in behavior, most notably drug-seeking. This collection of signs and symptoms, the "withdrawal" or "abstinence" syndrome, was viewed as the result of the development of physical dependence on opiates. The physical dependence capacity of opiates was equated with the addiction potential, and tolerance and physical dependence were viewed as reinforcing effects (25). Subsequently, scientists recognized that tolerance and types of physical dependence were not always reinforcing and did not always lead to continued ingestion (26).

11. As most commonly used, the term "addiction" refers to a behavior indicative of a psychic and, at times, a physical reliance on a drug or substance, sometimes described as compulsive use or loss of control. Subsequent to the studies on the addictive properties of opiates, it was found that drugs such as amphetamine and cocaine were abused in a similar manner. Although there was evidence of tolerance to some effects, cocaine and amphetamines were not regarded as drugs that produced physical dependence with a withdrawal syndrome resembling that of opiates or sedative hypnotics. "Addiction" to these stimulants was held to rely primarily on psychic, not physical, reliance. The term of "drug dependence" (versus "physical dependence") was thus employed to describe a behavior of compulsive ingestion similar to that of a prototype drug of abuse.

12. Eventually, it was recognized that the major effect initiating and leading to the repeated ingestion of a drug of abuse are the transient alterations in mood, thinking, feeling, and perceptions produced by the drug, usually labeled "positive reinforcing" effects. Some of these effects include elevation in mood, pleasant thoughts, feelings of well being and relation, and [8] perception that surroundings were more pleasant. These enhanced positive changes in subjective state are labeled "euphoria." Operationally, scientists, have developed experimental methods in humans for assessing these effects (22, 27, 29). These include the measures of euphoria and reinforcing effects in volunteers with documented histories of substance abuse. An example is the MBG (Morphine Benzedrine Group)

Scale of the Addiction Research Inventory, which is considered a valid measure of euphoria induced by drugs of abuse such as heroin, morphine, amphetamines, and sedative hypnotics, and is viewed as an indicator of reinforcing effects and abuse potential (22, 27, 29).

13. A common characteristics of drugs of abuse are that they produce euphoria in certain segments of the population but not in others. For example, opiates given to individuals not in pain or without histories of abuse do not generally produce euphoria, but produce lethargy, dizziness, nausea, and vomiting, effects that are usually disliked. On the other hand, opiate abusers in general and perhaps 20% of the population find the effects of the opiates pleasant even though they may experience some of the same negative effects. For example, heroin abusers may gauge the strength of the opiate by the degree of nausea and vomiting, and many have reported this as a positive effect—the "pleasant sick," in the argot. Also, not all individuals experiencing euphoric effects or exposed to opiates for medical reasons go on to addiction or abuse. The vulnerability to euphoria and addiction may rest with genetic, congenital, induced, or learned factors.

14. Within the last ten or so years, studies have been conducted with dimethyltryptamine ("DMT") given by intravenous injection to experienced hallucinogen users (13, 14, 15 16). The effects described include euphoric as well as hallucinogenic effects, with changes in perception, [9] affect, cognition, and volition. The investigators described the onset of psychological effects within two minutes with effects completely resolved within 30 minutes with transient anxiety common, replaced by euphoria. Perceptual disturbances were seen

primarily with the larger doses. The type of effects reported are representative of the positive reinforcing effects of abuse-prone substances such as LSD.

15. The pharmacological effects of ayahuasca have also been subject to preliminary study (18, 19, 20, 21). From these studies, it appears that the effects of ayahuasca are largely those of DMT, although the harmine and other compounds may also produce effects (there are reports that harmine itself may have hallucinogenic properties (18)). When ayahuasca preparations have been given to humans, perceptual, affective, cognitive and somatic sphere effects are similar to injected DMT, although the effects are slower in onset, milder in intensity, and longer in duration (most likely reflecting the delayed but continuing absorption in the gastrointestinal tract) (20, 21). These effects include pleasant feelings and elevations in mood as well as dysphoric (i.e., anxiety-producing) changes. A recent study in Spain conducted in abusers of hallucinogens indicated that ayahuasca increased scores on the MBG Scale, which measures euphoria and is used to indicate reinforcing effects and abuse potential (20). Overall, these findings support the conclusion that ayahuasca, like injected DMT, has a significant abuse potential.

16. One issue raised is whether the nausea and vomiting occasionally produced by ayahuasca would limit or prevent abuse. In my professional opinion and experience, it would not. Most drugs of abuse produce nausea and vomiting. These are not uncommon effects with opiates such as heroin and morphine, amphetamines, and sedative hypnotic drugs. Drugs of abuse can simultaneously produce euphoric effects which are unpleasant, such as [10] nausea, vomiting, nervousness and anxiety (dysphoria). When there is a significant

presence of euphoric effects, the concurrent negative effects are not an absolute deterrent.

17. From the experimental studies in humans of ayahuasca listed above, nausea and vomiting are not invariable. In fact, nausea and vomiting have not been a limiting factor in experimental administration (20, 21). The occurrence and intensity depend upon the dose, the presence of other compounds extracted from the plants, and the rate of ingestion. With most drugs of abuse, the abusers learn to adjust dose. Nausea and vomiting have not deterred indigenous use of ayahuasca in South America nor in Europe (18, 20, 21), nor is it a deterrent in reports of ayahuasca experiences I have seen on the internet.

18. In addition to the pharmacological effects of the substances themselves, the abuse potential of DMT and ayahuasca may also be understood through DMT's pharmacological similarity to lysergic acid diethylamide ("LSD"), a known drug of abuse. The hallucinatory activity of LSD was discovered in 1943. The introduction of chemicals such as the major tranquilizers that ameliorated psychosis led to the idea of chemical disturbances underlying natural psychosis. Over the next two decades, LSD was intensively studied as a model for psychoses, since many of the symptoms produced by LSD resembled those of schizophrenia (4). Also investigated were naturally occurring compounds that were distributed worldwide and produced effects similar to LSD, usually when used by indigenous peoples to produce alterations in mood, feeling and perception. These included substances such as peyote (mescaline), Mexican mushroom (psilocybin), and two closely related compounds, bufotenin and DMT (4).

19. Subsequent studies showed that mescaline, psilocybin and DMT produced effects similar to those of LSD. Repeated administration of LSD resulted in "tolerance" development [11] over a matter of days, such that subjects no longer experienced the effects of LSD. Such LSD-tolerant subjects were also "cross-tolerant" to mescaline and psilocybin, partially tolerant to DMT, and not cross tolerant to other hallucinogens such as delta-9-tetrahydroca-nnabinol, the active ingredient in cannabis (marijuana). The partial cross tolerance of DMT and LSD is one of the factors that led to the classification of DMT as an LSD-like hallucinogen (2, 3, 4, 8).

20. Another factor is DMT's consistency with the pharmacological effects of LSD and LSD-like hallucinogens. In humans, LSD-like hallucinogens, including DMT, produce effects not only on mood, feeling, thinking, and perception, but also on the autonomic and somatomotor nervous systems. Such drugs dilate pupils; increase blood pressure, pulse rate, respiration, body temperature and salivation; and produce hyperactive deep tendon reflexes, nausea and vomiting, and analgesia. At low doses, subjects report anxiety and nervousness without perceptual distortion or hallucinations. Increasing doses produce anxiety and nervousness with perceptual distortions but without true hallucinations. Such perceptual distortions include distortions in shape, distances, color, body image, and sense of time, among others. In the next stage, subjects report anxiety, nervousness, perceptual disturbances, and true hallucinations (mostly visual), but retain insight—i.e., they recognize that they are experiencing a drug effect. Hallucinations could consist of people, things, animals, insects or places. With the

largest doses, the effects are similar but subjects do not realize the effects are due to the drugs. At these lower end of these dose gradations, subjects can also experience pleasurable elevations in mood and feelings (euphoria). (2, 3, 8, 13, 14, 15).

21. DMT does have differences from LSD, the prototype hallucinogen. First, unlike LSD, DMT is probably inactive when taken orally because of metabolism when passing through [12] the liver after absorption from the gastrointestinal tract (although ayahuasca contains beta-carbolines that inhibits this metabolism, allowing the DMT to exert its effect). DMT injected into muscle produces maximal effects within 15 to 30 minutes with effects largely gone by 1 hour, while LSD similarly injected produces maximal effects within 2 to 3 hours and is still detectable at 4 to 5 hours (3). As mentioned, subjects tolerant to LSD show only partial cross tolerance to DMT. Also, tolerance after repeated doses has not been shown to develop with DMT as it has with LSD (16).

22. For the purpose of assessing abuse potential, however, the similarities (as described above) outweigh the differences. Furthermore, none of these differences necessarily detract from the abuse potential of DMT. Rapid and near complete tolerance development to the mental effects of LSD like drugs is held responsible for LSD users' pattern of intermittent (versus constant) abuse—abusers must abstain in order to lose tolerance and regain their sensitivity. From this perspective, the consequences of little or no tolerance development to DMT suggests that the drug can be abused continuously or for longer periods of time. And, while the short duration of effects of DMT when injected or smoked may prevent a greater accumulation of adverse

effects, DMT in combination with harmine (as in ayahuasca) is pharmacologically active with a duration of effects closer to LSD than to injected DMT.

23. Nor do the reportedly milder effects of ayahuasca (as opposed to injected DMT or LSD (30)) negatively affect the assessment of ayahuasca's abuse potential. First, it is unclear whether the reportedly milder effects represent an inherent limitation on the intensity of the effects rather than simply low experimental dosing. In any case, even if the effects of ayahuasca are inherently less intense than those of [13] injected DMT, ayahuasca in all the reported studies described above has been to produce hallucinogenic effects including euphoria. Indeed, the milder quality of the experience might even increase the reinforcing effects, as the more intense experiences are frequently the less pleasant ones.

[Defendants' Exh. ZZZ]

REPORT OF TERRANCE W. WOODWORTH

Experience

1. My name is Terrance W. Woodworth. I received my BA (1970) in economics from Texas A & M University, and my MS in Management and Administrative Sciences (1975) from the University of Texas.

2. I am currently Deputy Director of the Drug Enforcement Administration's Office of Diversion Control. In this capacity, I manage, together with the office head, all administrative and operational aspects of DEA's Diversion Control Program, both foreign and domestic. The purpose of DEA's Diversion Control Program is to deter and prevent trafficking in legitimately manufactured controlled substances and chemicals used in the manufacture of illicitly produced controlled substances. I oversee management of the closed system of legitimate controlled drug manufacturing, distributing, and dispensing within the United States. I also direct policy development and represent the U.S. government in domestic and international fora in matters related to all aspects of the regulation and enforcement of national controlled substance and chemical laws, as well as compliance with relevant international treaties.

3. In my 29-year career with DEA I have conducted the full range of administrative, civil and criminal diversion investigations as an investigator in the field and have supervised the efforts of other investigators. I have served overseas, representing DEA's diversion control interests before international organizations such as INTERPOL, United Nations or-

ganizations, and the World Health Organization. Since 1990 I have served in a number of management capacities at DEA Headquarters, including Deciding Official for DEA-wide employee disciplinary and adverse actions; Section Chief of the Office of Diversion Control's Drug Operations Section; Special Assistant to the Deputy Administrator of DEA; Special Assistant to the Chief of DEA Operations; and Inspector in DEA's Office of Inspections. In addition to a three-year tour at INTERPOL headquarters in Lyon, France as Section Chief of the Narcotic Drug and Psychotropic Substances Section, I was Diversion Group Supervisor in Louisville, Kentucky, and Kansas City, Missouri. (Curriculum Vitae attached as Exhibit A)

4. The nature of my experience is very "hands-on," and has not required me to testify as an expert witness or author any publications in the past ten years. As a federal employee for the Drug Enforcement Administration, I am not receiving any additional compensation beyond my federal salary for any work or testimony related to this case.

Sources

5. In forming the opinions expressed in this report, I relied on my extensive experience in the field of diversion control. I also considered the following sources:

A. Single Convention of 1961
Commentary for Single Convention of 1961
Psychotropic Convention of 1971
Commentary for the Psychotropic Convention of 1971
1988 Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances

Comprehensive Drug Abuse Prevention and Control Act of 1970 (Controlled Substances Act) (United States)

Ayahuasca: A review of the basic pharmacology, Drug Enforcement Administration, December 17, 2000

Summary information from DEA and state law enforcement forensic laboratory evidence for ayahuasca, DMT, peyote, and mescaline and the Drug Abuse Warning Network statistics for ayahuasca, DMT, peyote, and mescaline (exhibit B)

Pleadings and Exhibits filed by Plaintiffs in the instant litigation and the Amicus Curiae filings and exhibits

Synopsis of "ayahuasca tourism" websites

Information from www.infohub.com and www.kontiki.org websites (exhibit C)

High Times advertisement for ayahuasca tablets, December, 2000 issue (exhibit D)

Ebay advertisement/auction for plants used to make ayahuasca (exhibit E)

Klam, Matthew, "Experiencing Ecstasy", *New York Times Magazine*, January 21, 2001 (exhibit F)

Riba, Jordi, et al., "A Pharmacological Study of Ayahuasca in Healthy Volunteers," *Bulletin of the Multidisciplinary Association for Psychedelic Studies*, Vol. 8, No. 3, Autumn 1988 (online at maps.org/news-letters/v08n3/08312rib.html) (exhibit G)

Enthebotany Seminars Brochure (exhibit H)

Cloud, John, "Recreational Pharmaceuticals," *Time*, Jan 15, 2001 (exhibit I) "Ayahuasca

Home Page: at http://forums.ayahuasca.com/ (exhibit J)

AOL search results for "ayahuasca" at http://aolsearch.aol.com/dirsearch.adp?query=ayahuasca

"Hallucinogens and Dissociative Drugs," National Institute on Drug Abuse Research Report Series at http://165.112.78.61/ Research Reports/Hallucinogens/halluc3.html (Exhibit K)

Extract from the "Summary of Findings from the 1999 National Household Survey on Drug Abuse," Substance Abuse and Mental Health Service Administration at http://www.samsha.gov/oas/NHDSA/1999/Chapter2.htm (exhibit L)

Analysis

6. Based on my professional experience and knowledge of diversion control, it is my opinion that allowing the import of ayahuasca for use by the O Centro Espirita Beneficiente Uniao do Vegetal (UDV) religious sect would present a significant risk of diversion to non-religious use. The reasons for my opinion are set forth herein.

7. There are several factors that are relevant to the assessment of a controlled substance's potential for diversion. These include factors indicating the existence of an illicit market for the substance, such as the substance's abuse potential, the existence of "marketing" or publicity about the substance, and the form of the substance (which relates to ease of use). A substance's potential for diversion is also affected by

the opportunity for, and the cost of, diverting the substance, such as its physical availability, the level of control placed upon the substance, the form of the substance, and the degree to which the substance is in movement from place to place.

8. The abuse potential of ayahuasca, as a substance containing the hallucinogen DMT, is high. This is reflected not only in Congress's findings, but in the fact that DMT was a drug of abuse in the 1960s. Although DMT abuse declined thereafter along with the abuse of hallucinogenic substances generally, we are currently seeing an ongoing resurgence in the abuse of hallucinogenic substances, primarily associated with the "Rave" club scene. The Office of Applied Statistics of the Substance Abuse and Mental Health Services Administration, United States Department of Health and Human Services, reports that hallucinogenic abuse rose by 92% from 1990 to 1998: there were approximately 650,000 reports of abuses of hallucinogenic substances in 1990 and over 1,245,000 in 1998.

The existence of the well-documented increasing interest in and demand for hallucinogens greatly increases the potential for abuse—and, consequently, diversion—of any substance having hallucinogenic qualities.

9. There is indication of specific demand for ayahuasca on the illicit market. In the United States there is a network of modern-day Shaman "therapists" or guides offering controlled, safe, guided introductions to the effects produced by psychedelic plant preparations. Ayahuasca reportedly has come to be a popular substance for use in this informal sort of psychotherapy. Internet sites promoting Ayahuasca Tourism have surfaced in the past several years,

indicating the demand for this preparation outside of traditional ceremonial settings. The plants used to make ayahuasca have been advertised for sale on the Ebay internet cite. Ayahuasca tablets have been advertised for sale in *High Times*. Widely circulated national publications have mentioned ayahuasca when reporting on drugs that are abused.

10. It has been my experience that publicity surrounding a drug of abuse—via written or televised media, or the internet—not only reflects interest in a drug but can increase that interest and, consequently, its diversion and abuse. An example is the hallucinogen MDMA, or Ecstasy. In the 1980s, while DEA was attempting to schedule this drug because of its threat to public health and safety, some psychotherapists were promoting its use in psychotherapeutic situations, drawing attention to it. This use resulted in a misperception that MDMA was safe, which contributed to increased abuse, ultimately necessitating its emergency control as a Schedule I substance. Another similar example is the depressant gamma-hydroxybutyrate, or GHB, also a "club" drug. It, too, was widely touted over the internet in particular to young people; and, like MDMA, it was originally uncontrolled and considered to be "safe." Like MDMA, GHB's abuse has increased greatly in a relatively short period of time, corresponding with the internet publicity.

11. It is reported that ayahuasca use in Europe has risen dramatically over the last decade, "enjoying great prestige among several intellectual circles" as well as in certain religious groups. In my experience in diversion control in the international arena, use and abuse of a substance in Europe may serve as an indicator for

whether the substance will be diverted and abused in the United States if the substance is introduced.

12. The form of ayahuasca is also a factor in its potential appeal. Drinking a cup of tea may appear more appealing to some abusers than chewing a dried plant material, as is the case with peyote, or shooting up, smoking, or snorting, as is done with many other substances of abuse. Individuals may, rightly or wrongly, perceive the drinking of a "tea" made from botanicals to be more "natural" and less dangerous than synthetics, making ayahuasca an alternative that would be sought after by a certain segment of the population for nonreligious use. If the United States were to indicate that ayahuasca could be safely used by some individuals—notwithstanding DMT's placement in Schedule I—by granting a religious use exception, other individuals might be further encouraged to seek out ayahuasca as a "safe" alternative to other drugs.

13. Until recently, the materials used to make ayahuasca, *psychotria viridis* and *banisteropsis caapi*, have not been available in the United States. This is likely a key factor in ayahuasca's relatively low current level of abuse. Allowing the import of ayahuasca to the several religious sects that are currently seeking to use it will mean that significant quantities of ayahuasca will be physically present in this country, thereby creating the opportunity for diversion and abuse. Also, as noted above, non-religious demand would likely increase as a result of what would be perceived as a governmental endorsement of the safety of ayahuasca, increasing the incentive to seek illegal means of importing the substance.

14. Existence of governmental controls can help minimize diversion. However, despite the most strin-

gent controls imposed by the CSA and the most limited availability of any class of controlled substances, diversion of Schedule I substances from those who hold a DEA research registration does occur.

15. Ayahuasca is not produced domestically; it would require importation. Movement of controlled substances within the international arena exposes the substances to the greatest vulnerability to diversion by theft, loss, fraud or fictitious activity. International transport is the most complex environment for the handling of a substance with abuse potential for several reasons. In general, a shipment in international commerce is subject to many rules that often necessitate much paperwork, many handlers of the shipment, and multiple inspections at numerous checkpoints—each of which is an opportunity for diversion. Furthermore, modern day electronic technology can permit an individual with access to the tracking number of a Federal Express, DHL or other carrier, to not only track the shipment instantaneously along it route, but also to alter its course.

16. When controlled substances are lawfully shipped in international commerce, the most effective controls are exercised when the country of origin, the country of destination, and all transit countries have appropriate laws and regulations in place. On the other hand, the most significant factor which facilitates controlled substances diversion internationally is the lack of any national control of a substance in the source country, destination country for the diverted substance, or a transit country. Since there is no national control of ayahuasca containing DMT by authorities in Brazil, Peru or other South American countries, the likelihood

of diversion of this substance is significantly higher than for drugs used lawfully in the United States.

17. Ayahuasca presents certain risks of diversion that are not present with peyote. The monitoring and control of peyote is accomplished by one federal government agency in cooperation with known, competent state authorities who are knowledgeable and consistent partners with DEA on this issue. Because Brazil does not control the production of ayahuasca, the comprehensive and reliable controls provided at the state level for peyote would be absent. Diversion techniques encountered in the international arena, such as fraudulent documents, fictitious businesses or individuals, mislabeling, or circuitous routings are not generally encountered nationally with peyote or mescaline. Also, there is a long and reliable history of Indian peyote users cooperating with the government to prevent the diversion of peyote outside of tribal ceremonial use. We cannot at this time predict the results of any such partnership with the UDV.

[Def. Exh. AAAAA]

[REDACTED]

UDV USA PLANTATION REPORT 1998

Respectfully Submitted by

Cons. Daniel Tucker, Coordinator

[REDACTED]

Summary of General Activity

Upon my appointment to the position of National Coordinator for the plantation of Marriri and Chacrona, Mestre Jeffrey directed me to begin the establishment of plantations of Marriri and Chacrona in Nucleo Santa Fe and in each of the current distributions (Norwood, Colorado; Fairfax, California; and Seattle, Washington) of the UDV in the United States in order to deepen and enrich the spiritual awareness and commitment of the disciples in the United States. This continued to be the goal of the coordinator.

I am happy to report that today we have a few plants growing in each location—with the exception of Norwood. (A complete list of the Marriri and Chacrona plants growing in the US as of September 18, 1998 can be found in the reports of each coordinator.)

The desire to expand the growing and caring for our sacred plants is strong. There are many realities, however, which the UDV in the USA is needing to address in order to implement a plan for having true plantations of Marriri and Chacrona at each distribution.

The following are of these factors:

1. **Climactic Differences.**

The geographic and climactic differences between Brazil and the locations of distrbutions in the US are considerable. While we have a few small plants growing in the US, by necessity, they are being cultivated in containers in homes or sheds. We do not yet have a firm indication the plants will be able to

[REDACTED]

grow here (except perhaps in parts of the extreme south of the US where conditions approximate those of Brazil, but where there are not yet distributions), or that we will be able to have plantations on the same scale and of the same quality as they exist in Brazil. In fact, Mestre Edison Saraiva has said on the basis of his extensive experience: "none of the Marriri and Chacrona plants of Brazil are indicated to grow outdoors in the climate of Santa Fe, Colorado, Northern California, or Washington.")

A research program is in the process of being designed with the help of Dr. _____, a plant physiologist and CI member of the Norwood Distribution, to determine how to best overcome the current difficulties: with the goal of obtaining and/or developing varieties fo Marriri and Chacrona which can be adapted to our conditions and, at the same time, provide the potencies necessary to the preparation of the vegetal.

2. **Structural Differences.**

It is important to keep in mind that compared to the stage of development of the UDV in Brazil, the UDV in its expansion to the US is in its infancy. Our principle difficulties to expanding the care of our sacred plants to each location are those related to being at the beginning of our development in general. They can be summarized in the following:

A) A lack of Experience:

We do not yet have a sufficient number of Mestres, Counselors, and members of the Corpo Instructivo

experienced enough to take responsibility for and to care for our sacred plants under the present conditions. For example: the plants in the Fairfax distribution are being cared for by a socio not in the CI, _____ in and around a house he rents and shares with persons not in the UDV. Even the Plantation Coordinators for each area lack sufficient experience to be able to oversee the development of larger scale plantations in their areas. Also, we do not yet have sufficient experience growing the plants under our conditions. Both these restrictions will take patience, perserverence, and a research plan to overcome.

B) A lack of Infrastructure and Financial Resources:

We do not yet have a Nucleo and distributions (with the exception of the distribution in Norwood) with land titled in the name of the UDV for permanent plantations. Consequently, all the plants are in portable containers, and it is not uncommon for them to be moved around and for the person responsible to be gone for long periods of time—leaving them in the care of less experienced disciples.

One solution would be to purchase land for a plantation in the southern US. However, we do not at this time have the resources to research, purchase and maintain this kind of a plantation in the southern US. In addition, each UDV site in the US is focused at this time, on obtaining land and building a dedicated temple. Within the limits of the financial resources of each site, it is even unrealistic to see the groups in each location contributing toward the purchase of land, greenhouses and growing materials on a larger scale for their site until they are further along in their development.

C) The legal situation regarding the importation of Chacrona and Marriri plants:

To date, all the plants, seeds, and leaves in our care have been brought into the US clandestinely. In order for us to be able to import sufficient numbers of plants, the legal status and procedures need to be researched. _____ is currently researching his right to bring in these plants legally in our behalf.

D) The need for support from the Directorate in Brazil:

The UDV plantation coordinator in the US needs the support of the UDV Directorate and the Plantiu Diretor of Brazil, Mestre _____.

Several Mestres have promised to secure for the US plants which could be more adapted to our conditions from the "cooler an drier" areas of the south of Brazil and from the foothills of the Andes. We still have a need for these.

We need to receive a copy of the report of the research which was done on the Marriri and Chacrona simultaneously collected from the different areas of Brazil. Also, we need to receive copies of all the other scientific research on the Marriri and Chacrona in the UDV archives.

It would be helpful for the Directorate of the UDV to take this question of how to begin to institute plantations in the US under consideration in order to offer their guidance and orientation. This coordinator will discuss this issue with the MGR Mestre during his visit in October.

[REDACTED]

In Summary:

Progress is being made toward having our sacred plants in the care of each distribution and Nucleo of the UDV in the USA. It is this coordinators feeling that with the resolution of the legal restrictions to importation of the plants; the implementation of a realistic research design and methodology; greater support and coordination with the Brazilian UDV Directorate and Plantiu Director; with the continued growth of the UDV in the US; and with the continued spiritual evoution of its members: that the goal of having small collections of both sacred plants in each UDV site is being realized. The goal of having a plantation in the United States which could meet our necessities is definitely a long term goal which could be realized, realistically, within the next 10 years.

[REDACTED]

Seattle Distribution Report:
_____, Coordinator

Seattle has 24 caboclo Chacrona plants. Of the 24, the survival of 2 is questionable. They were recived from Nucleo Apui by _____ three years ago. They are in pots and are approximately 1 foot high after three years.

They are currently in pots in a "shed" belonging to Don _____ St. John. Their principle problem is what to do with them in the winter. They lack sufficient facilities and the finances to create a more appropriate space.

Norwood Distribution Report:
_____, Coordinator

Norwood is currently only in possession of about 300 chacrona seeds received from Mestre _ _ in Goiana. The lack of a heated greenhouse and t severe, cold winters have resulted in the failure of our attempts to grow the Marriri and Chacrona so far. We are focusing our attention on building our temple and on assisting the other sites to have and care for their own plants.

[REDACTED]

September 19, 1998

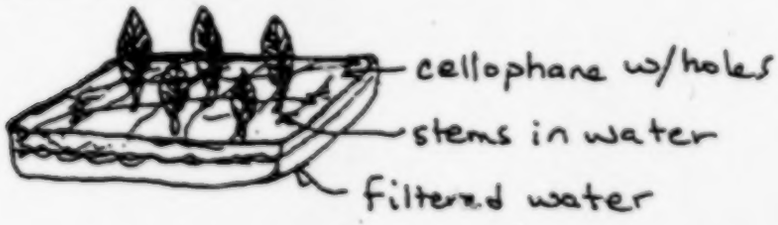
To: _____
National Coordinator for the Plantation
Conselheiro Daniel Tucker
P.O. Box 488
Norwood, Co. 81423

Dear Conselheiro Daniel,

I want to present you with the documentation for the Mariri and Chacrona propagating activity the has taken place in our Santa Fe area since the conference in September of 1996 up to this present day.

On the 30th of May 1998 upon return from a visit to the Seattle distribution I received, with the authorization of Mestre Jeffrey Bronfman, 5 leaves of Chacrona from the plants that are being grown by some disciples in that area.

I transported these leaves in dampened paper towels inside a zip-lock bag back to Santa Fe. Once I reached Santa Fe the following day I placed the leaves with their stems in water and the leave bodies being supporting by the cellophane through which they were poked. This was in a shallow Pyrex casserole dish. See illustration below:



[REDACTED]

I carefully monitored the leaves to see if evidence of root growth could be seen. None appeared. So, after the first week with no signs of growth I added a dilute solution of Shultz indoor liquid plant food to the water. This was to see if the nutrients in the solution would assist in the initiation of root growth from the leaf stems. Two more weeks past without signs of growth and the leaves showed signs of discoloration and weakening. After one more week it was obvious that the leaves were not doing well in the set up conditions and they were weakened to the point to which I decided to discontinue the attempt to cultivate them. No plants were produced from this attempt of propagation.

On the 30th of July at 5 PM, _____ and I went to Nucleo Caupuri in Manaus. There, with the authorization of the assistant to the Mestre Geral, Mestre _____, we collected small Mariri and Chacrona plant samples from the base of the bigger plant growing on the temple grounds. I placed these plants in dampened paper towels and inside zip-lock bags.

On the 1st of August, back in Sante Fe I prepared small planting beds mixing potting soil with pure worm castings and planted each of the plants I had brought from Brazil. On each of the plantings I coated root surfaces and potential root sites with a fertilome rooting powder.

The small starting beds into which I planted the Mariri and Chacrona have plastic greenhouse domes that fir over the top. See illustration below:

[REDACTED]

At this date, the 19th Of September 1998, it appears that all but one of the plants which were transplated from Nucleo Caupuri have successfully rooted and are growing Well. The plants are growing new leaf sets.

There are fourteen Mariri starts and 27 Chacrona starts in this group. That accounts for all Mariri and Chacrona known to me growing in my area of responsibility.

With enthusiasm and Love for this sacred work,
Solar

illegible signature

[REDACTED]

MitchChris@aol.com, 8:23 PM 9/16/9. . ., Plantation Information 1

From: MitchChris@aol.com
Date: Wed, 16 Sep 1998 20:23:27 EDT
To: erthstar@rmil.com
Mime-Version: 1.0
Subject: Plantation information
H-Mailer: BOL 4.0 for Windows 95 sub 214
H-UIDL; 1cce39b79f5929c49f88c514692f1be8

Brother Daniel
here is what we have in the way of plants.
As of 09/16/98

20 Chacrona seeds in the ground germinating, not yet sprouted.
15 Chacrona seeds in Arthur's Posession.
2 Marriri, Caupuri growing from stock from Porto Veiho. 1 plant 20" tall with 3 stalks on it, healthy and well. 1 plant 15" tall wiht 2 stalks on it, healthy and well.
The plants are being cared for by _____, and are kept at his place of residence in ____, they are in containers now.

May they continue to thrive along with us in a climate of Light Peace and Love.

Mitchel

[Defendants' Exh. KKKKK]

Jeffrey Bronfman

176 Valley Drive
Santa Fe, New Mexico 87501

Jonathan Ott
Apartado Postal #274
Natural Products Company
Xalapa, Veracruz
Mexico

November 25, 1994

Dear Jonathan,

I hope this letter finds you in good health and appreciating the gift of life. I've been aware of your work for quite some time and I believe we met at the Seeds of Change conference in San Francisco in 1993. The purpose of my writing you today is twofold. The first is to offer myself to you in support of an area that's of mutual interest. The second is to express some concerns I have about the same.

In 1990 I first traveled to Brazil where I was introduced to the use of Hoasca within the União do Vegetal. I subsequently have traveled to Brazil on 7 other occasions and have developed an intimate relationship among the leadership of the movement in Brazil. In 1993 I formally initiated the work of coordinating the establishment of the U.D.V. here in the United States. I've gone through the formal procedure of registering the União as a church and coordinating the distribution of the sacrament in the centers that are being established here in this country.

I've been monitoring carefully the things that have been published (about ayahuasca and ayahuasca

analogs) in this country, particularly as it relates to information about the União. The União do Vegetal is a very discrete society which does not desire or seek publicity. Unlike the Santo Daime religion, which you describe in your book, it has no tendency to actively seek new members or to widely distribute the tea. It does however, have a very evolved structure to attend to people seeking to perfect their lives through the tea and through the teachings of Mestre Gabriel who recreated the União in 1961.

In reality, it was the work of the União in Brazil that led to the liberation of the tea for all religious use in that country. Your book accurately describes the Brazilian government's 7 year period of study and extensive investigations of the health and social structure of both the U.D.V. as well as the Santo Daime. Yet, as CONFEN officially told me, if only the Santo Daime existed, the tea would not have been legalized in Brazil. I offer this information so that you're more informed of the actual history of the legalization of the tea for religious use in Brazil. As you are also aware, there are many different sects of the Santo Daime in Brazil and some have been very reckless and irresponsible in their distribution of the tea. Reckless in a way that has almost led to new government prohibition ever since the time of its legalization.

This brings me to the second part of my reason for writing you, which relates to my concerns about some things you have been saying in public talks and published writing. The tea that you speak of as 'ayahuasca' is a very, very powerful instrument. It can open peoples' consciousness and allow for very positive transformation. It can also be misused and cause harm.

The idea that you are proposing that people can read your book, identify plants in their area that are analogs of ayahuasca and make their own tea is a notion I find dangerous and irresponsible. I've been working now for several years within a tradition that I can confidently say has a very evolved knowledge and mastery in commanding and directing the force of the tea. It offers a guidance and orientation for people approaching this sacrament that is greatly needed. I have already met numbers of people who have been using the tea and analogs in ceremonies with inexperienced leaders and the results have not all been positive.

Within our culture there is a phenomena that you never find in any indigenous society of self-appointed "instant shamans" who go through no formal training and are accountable to no one. The knowledge of really being able to work with the tea as an instrument for personal growth takes years and is not something one can arrive at on one's own. A guide is required. This is not to say that people can't drink the tea without a truly knowledgeable facilitator and have positive experiences. They can. But there is tremendous potential for fragmentation of the psyche as well as the possibility for people to be seduced into believing in fantasies that are nothing more than illusions within their own minds.

There is tremendous responsibility in giving someone their first glass of vegetal. In one sense, the genie, as it were, is already out of the bottle. Already many people are experimenting with the suggestions you've made with no understanding really of the forces they are working with. I quite honestly am concerned for them. I would ask you in the future to proceed with humility and seek in your life the guidance of the Creator in your

work. This is an area that requires much wisdom in it's practice and not everyone is mature enough or spiritually or psychologically evolved enough to use these instruments of consciousness without experienced help.

If you would ever be interested in hearing more about the teachings of the União by participating in a session I would be happy to arrange for that possibility. Also, if there is ever a need for you to clarify or confirm something you've heard about the União, I can help you in this area as well.

I look forward to talking to you in the future about some of these ideas and to hear your response to what I've asked you to consider. If you ever have need to reach me, my phone number is (505) 988-5924 and my fax number is (505) 982-5029. If I can ever be of any service, please don't hesitate to call.

Sincerely,

Jeffrey Bronfman

[Defendants' Exh. LLLLL]

[REDACTED]

May 2, 1996

Dear Mestre Glacus,

The purpose of this letter is to share with you my thoughts regarding the presentation you will be making at the ITA event in Manaus. I have decided to write to you in English because it is easier for me to express myself clearly in this language. If there is anything that I have said that needs clarification I would be happy to discuss it with you in Portuguese. As you know I have been very concerned about this event for sometime and my initial feeling was that the União Do Vegetal officially should not participate but should distance itself as much as possible. After many conversations with Stan Groff and the people who are sponsoring the Santo Daime post conference tour, I have changed my point of view. I believe the participation of the União Do Vegetal at this event would be very significant and important. I'm sorry I will not be able to be there in person to assist you.

Let me begin by articulating two beliefs that I hold that will set a context for my later remarks. The first is that I believe the União Do Vegetal as an institution holds the highest level of spiritual responsibility for the distribution of vegetal on this earth. It is within the body of knowledge that was passed by Solomon to Caiano that the correct understanding of what the vegetal is, where it comes from, and what purpose it serves is known to us.

My second belief is that this gathering in Manaus will have a great significance in determining how the vegetal is understood and used by human beings in the

future. The people who will be attending the conference in large part will be *very* interested in learning about the vegetal. They will be intelligent, curious, and in need of clear orientation. There are several points that I think you need to make in your presentation in helping to provide clarity and comprehension to these people. In no particular order I would like to summarize these now.

First of all I think people need to understand the vegetal is not a joke and should not be treated casually. It is a very powerful tool that can have many different effects depending on the context within which it is used. People need to understand that there are many sects and individuals who use the tea and they are not all the same. I think it would be a good idea to explain that how the tea is prepared, is very important in determining the kind of effect it gives. The tea energetically and spiritually records the thoughts and intentions of the person or people preparing it. The effects of drinking the tea are also very much affected by the ritual with which it is consumed and the talent, intention, and wisdom of the person who directs the works. If people drink the tea with someone who has prepared it for the purposes of seducing them to gain money or sexual influence the results will be very different from drinking it with someone who prepared it with pure intentions. **[REDACTED]**

Many people have already come to Brazil and had horrible and terrifying experiences drinking the tea in settings that were unsafe or with people who had very little knowledge of what they were doing. People need to know that there are sharks in the waters.

I think it is also important for people to understand a little bit about the history of how and why the

CONFEN reached its decision to liberate the tea for religious use. In addition people to appreciate the current social and political climate in Brazil that could lead to the CONFEN taking action to restrict its use. On this topic I think people need to be explained about the letter of principles that was agreed on by the sects that use Hoasca (prior to the teas legalization) and the actions of certain groups not following the agreement in recent months.

Specifically regarding the letter of principles, I think there are a number of things people need to be advised about. First of all the concern of the authorities that the tea be commercialized for export. People need to understand that the tea is something sacred and should not be bought or sold. If they are paying someone to have an experience of the tea, they need to reconsider whether this is a road they want to walk on. Another important area of warning, is in relationship to the use of the tea with other substances. People need to be informed that the use of the tea with marijuana, mushrooms, cocaine or amphetamines is not only illegal but dangerous. Lastly, I think orientation needs to be given about treating the tea as a miracle cure for illnesses. There are people in Brazil, working with the tea, trying to promote it as a cure for diseases like cancer and Aids. I think it is important for people to understand that the vegetal is principally a vehicle for spiritual development. While its healing properties are significant, it should not be approached as a cure for disease. Its power and force are far greater than what people can imagine.

Many people will be coming to Brazil looking for a Ayahausca experience and hoping to receive training as an 'Ayahausca Shaman'. The competition among trans-

personal psychologists in this country is very great and people are looking for new approaches and therapies to distinguish themselves. Currently there are therapists in this country who have access to vegetal and have made up their own rituals where they distribute it. _____ is one of these people). People in the United States and Europe are willing to pay between $200-$450 for a glass of vegetal. I know a man who gets vegetal from Peru and conducts groups of about 20 people every Saturday night. He makes about $5,000 per group. I am almost positive that there will be people returning from Brazil, after attending the ITA conference, who will later advertise themselves as shamanic counselors trained by a shaman in the Amazon jungle. They will be doing this to earn money distributing vegetal. I think it is important also for people to understand that it takes years of training working with the vegetal to be able to direct people in a session. Without knowing how to work within the force, how to call for help and how to guide someone within the enchantments people are playing a very dangerous game. If your [REDACTED] words could provide orientation to keep many people from suffering unnecessarily you will have done a very good and important work.

Lastly, because of the popularity of Jonathan Ott's book "*Ayahuasca Analogs*", you might want to consider briefly addressing this issue as well. While other plants many contain DMT and MAO inhibitors they each have their own nature and there are no analogs to Hoasca. Some people have become very sick and confused experimenting with these different substances. Again people need to be more careful than they realize.

I want to also express, my friend, that your talk and presence will inspire many people to seek you out and request to be able to participate in a session with the União Do Vegetal. I ask you to communicate that participation in our sessions at this time is not open to foreigners and that there will not be an opportunity for them to participate in a session at this time. In the event that there are people from the United States who touch you with their sincerity, seriousness and integrity you can take down their name, address and phone number and we can discuss their situation after the conference. I would also request that you not speak publicly about the existence of the União Do Vegetal in the United States. If someone asks you directly you can confirm that there are members living here, but that we prefer to keep our association discreet and private.

I want to say in closing my friend, that I have a lot of trust in you and I am sure you will do your job well. This is a very important moment that you are being trusted with. Link your thoughts with a Mestre and know that all the wisdom of Solomon and all the power of Hoasca is available to you in the performance of your service. During the period that you are at the congress I will be here with Mestre _____. If you should need us for any reason we can be reached at the following phone numbers: May 15 & 16 we will be in Colorado with Carmen and Daniel at (970) 327 4948. May 17-22 we will be in Sante Fe. My phone number at my office is (505) 988 5924, Cellular phone number is (505) 690 0183

UM ABRAÇO,

Jeffrey

[Defendants' Exh. EEEEEE]

[REDACTED]

Mestre _____ Mestre

Mestre _____ Mestre

November 14, 1995

My Dear Friends,

I hope this letter finds you all in good health with the light of God illuminating you consciousness and filling your hearts with peace. There are a couple of issues that I had hoped to discuss with you in the session of Conselho de Administracao Geral but unfortunately the way the session unfolded I was unable to do so. There are two matters, however, that I feel are very important to me to discuss with you and I've chosen this approach, writing a letter in English with Paola translating, as the means to do so.

The first issue relates to our conference taking place in Manaus in May of next year hosted by the Institute for Transpersonal Psychology. Mestre ____ and Conselheira ____ have some familiarity with this group as they attended their last International Conference, in Ireland in 1994.

Manaus was selected as the site for the next conference in part out of a somewhat naive and romantic idea that they could bring people from all over the world to the Brazilian Amazon and along with their conference, provide opportunities for people to explore the "mysterious rainforest" and unique spiritual practices of the region. I've enclosed a copy of two brochures I received promoting the conference. One lists myself and the União do Vegetal as invited presenters at the conference. The other describes that

opportunities for "experiential session, rituals and special tours visiting Brazilian healers" as part of the event.

I had a conversation some months ago with Mestre____ expressing my concern about this conference and the União's participation in it. He suggested I speak to the leadership, invite them to come to the conference on Hoasca in Rio and that we could arrange planning meeting with them at that time. Although I made several efforts through different contacts, including Dr. Charlie Grob, to extend this offer to the conference leadership I received no reply.

Prior to coming to Brazil in October I had, by coincidence, the opportunity to personally meet with Stanislav Groff who is the conference creator and program coordinator. I attempted to discuss my concerns with him but unfortunately found him to be rather aloof, and disinterested. He said he didn't plan to offer an hoasca session as an official part of the conference but if people on their own sought one out that was fine with him. The implications and dangers involved did not seem to concern him at all.

There is a tremendous amount of curiosity about "ayahuasca" here in the United States. There are many people with little or no experience experimenting with hoasca as a tool for personal growth and spiritual transformation within the psychotherapeutic model. There are many people seeking out groups and individuals who work with the tea to "get an experience" or to somehow find a source of vegetal that they can use in their own work.

I remember one time I jokingly said in a session in Brazil that the Masters of Curiosity have all reincarnated and are currently living in the United States. In fact, the situation is quite serious. There are psychologists in this country distributing vegetal that they have either bought from Dennis McKenna's brother, Terrence or have acquired through different sources in Peru, Bolivia and Brazil. Often they're selling session for $200-$400 a cup and inventing rituals and counseling techniques with no understanding of what hoasca is and how to really work with it.

Because of the great interest in "ayahuasca" here, and the financial rewards involved in having a supply to distribute, many psychologists are looking for a source of vegetal they can distribute using there own techniques and rituals. For example there was woman in Telluride who after participating in 5 sessions, by herself and with Terrence McKenna, designated herself as a Mestre and is selling sessions for $300 an experience.

I'm very concerned about the presence of possibly 1000 psychologists, therapists and healers from the U.S. going down to Brazil seeking contact with groups that use hoasca. The potential confusion that can be caused by people working with the vegetal in a therapeutic context outside of the structure of the União is very great. We are also in no condition here in the U.S. to attend to the possibility of 200-300 more people seeking the experience of hoasca in the União after having been to a session in Brasil.

To me, the União do Vegetal is a divine manifestation of God here on this earth. It is for the serious disciple, a place where one can find salvation and the most rapid system for spiritual evolution that exists on this earth today. It's not merely just one more approach along with thirty other different kinds of therapies. For the União to present itself at this conference along with

Sante Daime, the representatives from Umbanda, with people who use psychedelic drugs as a form of therapy and with every other possible type of spiritual and psycological healing that has been invented by man, to me is a mistake that obscures the real value of what we have and what we are.

I think we need to develop a policy about how we are going to respond to this situation and to the inevitable requests that we will receive. I also think we need to work closely with Mestre Roberto Evangelista and with the nucleos in Manaus once we have done so. For now I would recommend that the U.D.V. not have any official participation with this congress nor make it's sessions open to conference participants. The way things are, people coming from the U.S. to Brasil should not participate in sessions there unless they are socios and have a Carta de Apresentaçao from me. Our sessions are for our disciples. They are not for curiosity seekers.

There will be several people also attending this conference who have previously had the opportunity to drink in sessions of the U.D.V. who are not disciples. These people include Charlie Grob, Dennis McKenna, Stanley Krippner, Ralph Metzner, Susan Seitz and Gary Bravo. I'm expecting that requests to participate in session will come from these people as well as requests to bring people to session of the U.D.V. Our laws are very clear about this. The right to propose new members to the center is only for socios who are paid up. It's important that we don't make special exceptions without carefully discussing and considering the impact first. As anybody from the U.S. who drinks in Brasil eventually becomes my responsibility I would

request that there not by any Americans invited to sessions without discussing it with me first.

The second issue I'd like to call to your attention relates to some problems that have been created due to what I consider a lack of clairty and firmness on the part of certain Mestres who have visited the U.S. from Brazil. An area of confusion that seems to continue to reappear is in regards to expectations people have in this country that women will "one day" be Mestres in the U.D.V. To me this idea is an expression of fundamental confusion of the doctrine and teachings of Mestre Gabriel.

The people who hold the question why women can't become Mestres within the União to me fundamentally don't understand what it means to be a mestre, what it means to be a counselor, what is means to be a man and what it means to be a woman. It is an area for me that is quite clear. Unfortunately there have been Mestres who have visited this country who either from a lack of understanding or lack of courage have given a very different impression to people.

For example, when Roberto Souto was here he said at a session in Colorado that this idea of women as Mestres was being "seriously considered" within the União and he felt one day would happen. Mestre Jorgi who accompanied him did not contradict him and left the impression he thought it would be a good idea as well. If it is a core principal within the spiritual doctrine of the U.D.V. that the role of a Mestre is, by it's nature, a position for a man and not a woman to occupy, the Mestres within the U.D.V. need to be very clear with this.

Sometimes in an effort to say things that people might find popular or easy to accept there have been people who have come to the U.S. saying things that I don't believe are true. This only creates confusion and misunderstanding. As recently as the conference in Rio, a Representative Mestre from one of the temples in Brazil told a disciple from here that he thought there would "soon" be women Mestres in the U.D.V. and that Carmen Tucker would be the first. People need to realize that when they are occupying a position of a Mestre within the União people consider their words as if they were doctrine and teachings. People need to be very careful before they speak.

I thank you for this opportunity to share these thoughts and words with you. There are many, many other things I'd like to discuss and explain but I'll save them for another moment. Suffice it to say, I find my work extremely satisfying and rewarding and am grateful for the opportunity to serve God and my fellow human beings through the U.D.V.

With my sincere respect and love to each of you.

/s/ Jeffrey

Department Directors and Secretariat
Rua Caiubi 1004, CEP 05010-000 São Paulo
Phone/fax 11-3673-8298

DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 01
I – Identification (at notification time):
Administrative Unit: Lupunamanta núcleo
Initials: RT
Marital Status: single
Age: 47 (in 1994)
Sex: female
Profession: public servant
Experience using Tea: since 1979
UDV Level: instructive body
Date notified: December 1994
Note: this case was notified retrospectively, for it antedates the mental health notification system.

II — Observed Situation Report: in 1984, during a Hoasca tea *preparo*, subject claimed to be one of the most important spiritual entities in the UDV. Although she believed this she had trouble convincing others. She became unduly preoccupied with the values of the religion, taking UDV teachings to extremes and correcting people as to the use of certain words in contexts for this was inappropriate.[1] She would wrathfully change the use of certain words for evocative reasons. For example: she would call a food item "torta" "terta"

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(1) It is a teaching of doctrine that Centro disciples discourse in "positive" terms. This should occur naturally, using words from their own vocabulary so that the discourse not sound strange to those unfamiliar with this practice. Subject took these teachings to extremes, distorting them until her discourse was often hard to understand.

out of fear that the usual designation for the item would bring disorder to her life, making it "tortuous."

The Representative Mestre requested psychiatric evaluation by DEMEC professionals.

III — Personal and Family Background: subject was raised in a religious community led by her father. The institution was rigid in its habits, and banned radio, television, and clothing which exposed parts of the body other than the face.

She had a child from a brief relationship, but chose not to keep the child. The boy, since grown, refuses to see her, which causes the subject great suffering.

Subject has good intellectual development: speaks several languages, worked as an executive government secretary and for multinational corporations. People who knew her when she first came to the UDV claimed that she was radical in everything she did, carrying exaggeration into all areas of life. For instance: she frequently exaggerated when helping others, at times heedless of potential repercussions.

IV — Diagnosis: mixed Anancastic personality disorder (obsessive–compulsive) + paranoid
(CID-0: F.61.01)

V — Developments: after evaluation, subject continued partaking Hoasca tea less often and in smaller servings. She moved to a núcleo in another Brazilian city, and kept up the behavior described in the report of the observed situation. She currently uses smaller servings of Hoasca tea, and does not attend many sessions. She continues to frequently correct people during sessions, and which she claims to know better than others. She has never accepted psychiatric treatment.

Professionally she performed well, and is currently retired based on longevity. Her family says she is hard to get along with due to her exaggerated critical traits. For some years she has been living with a companion, likewise a UDV member.

VI – Relation of Tea use to clinical situation: Hoasca tea use may have been a contributing factor or re-worsening (category 2) of the clinical picture. Subject's history indicates behavioral changes which antedate Hoasca use.

VII – Current Situation, regarding:

1. Hoasca tea use: attends UDV sessions from time to time.
2. Relations with the Brotherhood: has difficulty relating, due to her exaggerated critical traits.
3. Home life: living with a companion.
4. Job situation: has earned retirement.

VIII – Last Revision: September of 2001

IX – Professional in Charge: Dr. Mauro Bilharino Naves – psychiatrist

(Signed for) Dr. Mauro Bilharino Naves

Department Directors and Secretariat
Rua Caiubi 1004, CEP 05010-000 São Paulo
Phone/fax 11-3673-8298

DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 2
I – Identification (at notification time):

Administrative Unit: Lupunamanta Núcleo
Initial: I
Marital Status: single
Age: 20 (in 1988)
Sex: male
Profession: accountant
Experience using Tea: since 1977
UDV Level: members cadre
Date notified: December 1994
Note: this case was notified retrospectively for it antedates the mental health notification system.

II – Observed Situation Report: in 1988 subject traveled to Porto Velho for a few days, and attended sessions of the UDV and other sects. During the return trip—the day following a UDV session—subject displayed a major behavioral change. Subject's companion states that at the beginning of the trip he had curt words for a female passenger, in exaggerated reaction to her behavior with another passenger. Subject then appeared confused and restless, and ate nothing for the remainder of the trip. His companion claims he was almost always introspective, seeming at times to suffer intensely, and even recounting difficult childhood moments in which he had experienced great hunger.

Back in Campinas subject seemed uncommunicative, restless, delirious and inarticulate. The Representative Mestre referred him for psychiatric evaluation.

III – Personal and Family Background: it was retrospectively discovered that before beginning the trip to Porto Velho, subject had sporadic bizarre behavior episodes. Once, upon leaving a session quietly, he made exaggerated slow motion movements, obtrusive upon the attention of others.

Subject reported having had a miserable and needy childhood with lengthy and recurrent shortages of food.

Subject had great difficulty initiating sexual relations, and related important episodes of fright and persecution-related behavior.

One of subject's eight siblings killed himself at age 20, and at the same stage in life others had "major psychic crises."

Subject states that the mother frightened all her children as they approached age 20, claiming that "this would be a dangerous age, when they would undergo nervous crises." Subject had another brother with evident mental fragility.

Persons closest to subject said that after moving away from his hometown to Campinas, subject often appeared to be under pressure, and believed it was his duty to accumulate a fortune—like his older brother who had left home years before for that purpose, and had successfully done so. He reportedly also felt belittled, because—although an accountant—on moving to Campinas he had only managed to land a job as a soda jerk.

IV – Diagnosis: residual schizophrenia. CID 10:F20.5

V – Developments: the Representative Mestre promptly barred him from communion with Hoasca tea until further notice, and requested psychiatric monitoring.

Subject was medicated with a neuroleptic drug, with positive response, in the very first days. His brother then took him back to their home town, where he took up residence at their mother's house.

After a few months of treatment subject's symptoms appeared to be in remission. Keeping relatively stable, subject resumed his old career and began dating a young lady whom he later married.

Inasmuch as he seemed well, in 1992 he regularly attended UDV sessions (drinking only water) for five months, and was then authorized to partake of much smaller portions of tea at the sessions. He participated in some sessions presently, without apparent harm, and then left the UDV. He reportedly kept relatively stable during this period.

Subject rejoined the UDV in 1995, 1997 and 1998, attending only one session per year, with no adverse effects.

Subject's relatives claimed that since the first observed clinical situation, subject no longer displayed significant behavioral changes, although they do claim he clearly suffers from mental fragility.

Subject reportedly proceeded normally through life: after marrying, he had children and has been prospering professionally. Some years ago subject started an accounting firm, where he works to this day. Subject recently built a house and lives there currently. Subject seems stable and in relatively good health, and

has had no formal psychiatric treatment for several years.

The subject still maintains social relations with those brotherhood members who were closest to him.

VI – Relation of Tea use to clinical situation: our understanding is that the Hoasca tea could have acted as an triggering factor for the psychotic episode observed. The patient's background shows significant mental vulnerability, and also indicates insidious development of the disease in question.

VII – Current Situation, regarding:

1. Hoasca tea use: left the UDV
2. Relations with the Brotherhood: keeps in touch with some UDV members, with good interaction
3. Home life: still married, has children four & seven years old, and a harmonious home life
4. Job situation: regularly performs his work as owner of an accounting firm

VIII – Last Revision: October of 2001

IX – Professional in Charge: Dr. Mauro Bilharino Naves – psychiatrist

(Signed for) Dr. Mauro Bilharino Naves

Department Directors and Secretariat
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e-mail: demec@udv.org.br

DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 03

I. Identification (at notification time):
Administrative Unit: Castanheira Núcleo
Name: A.D.V.
Marital Status: single
Age: 31 years (December 1994)
Sex: male
Profession: salesman
Experience Using Tea: since 1987, intermittent (approximately seven years total)
UDV Level: members cadre
Date notified: December of 1994
Note: this case was notified retrospectively, for it antedates the mental health notification system.

II—Observed Situation: Subject had chronic difficulty getting along with the brotherhood, making inappropriate demands and often claiming to be misunderstood (or not recognized as he wished). Record shows that at times he felt disadvantaged or persecuted by brethren. Irritable, frankly expressed opposition to directors during sessions, generating disharmony among the brethren.

The Representative Mestre then requested he submit to psychiatric evaluation, due to doubts regarding benefits obtained from Hosaca tea.

III—Personal and Family Background: Record shows relationship problems since teenage years, shown in relative instability, occasional aggressive behavior.

IV—Diagnosis: Personality disorder (CID-10: F60.9)

V—Developments: the above clinical picture developed the 2nd quarter of 1994. Before, when subject belonged to another UDV Núcleo (Samauma), it got to the point of psychological monitoring due to manifest irritability and difficulty adapting. Later, still in 1994, subject began psichiatric treatment, using carbamazepine deriving partial benefit therefrom. Subject discontinued treatment after several months. Constantly unstable, with sporadic aggressive reactions.

During all this time frequented UDS sessions, albeit not regularly. At the beginning of 2001 was barred until further notice from communion with the tea for manifesting aggressive reactions which precluded his social functioning.

VI—Relation of Tea use to situation: no causal connection between observed situation and use of tea (category 4)

VII—Current Situation, regarding:

1. Use of tea; excluded from communion
2. Fraternizing with the brotherhood: maintains sporadic contact with some Center members.
3. Home situation; still single, no apparent changes
4. Job situation: works regularly

VIII—Last Revision: September/2001

IX—Professional in Charge: Dr. Francisco Assis de Sousa Lima—psychiatrist

(signed) Dr. Francisco Assis de Sousa Lima CRM 25257

Department Directors and Secretariat
Rua Caiubi 1004, CEP 05010-000 São Paulo-SP Phone/fax 11-3673-8298
e-mail: demec@udv.org.br

DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 05

I—Identification (at notification time):
Administrative Unit: Samaúma N.
Initials: R.A.S.
Marital Status: single
Age: 24 (in 1994)
Sex: male
Experience using Tea: since 1992
Date notified: December of 1994
Note: this case was notified retrospectively, for its most significant event antedates the mental health notification system.

II—Observed Situation Report: medical and psychiatric examining was requested by the Representative Mestre as a prerequisite for continued drinking of Hoasca tea, as a result of prior drug use and 2 psychiatric admission (both in 1992). Subject at that time showed no acute psychiatric condition, and the monitoring was requested as a preventive measure.

III—Background: during the course of the visits, which began in May of 1993, it surfaced that subject was an AIDS patient, a result of using injectable cocaine, marijuana, alcohol and promiscuity prior to joining the UDV.

Subject claims that before joining the UDV, he had occasional transitory psychotic episodes, with some phychomotor agitation, aggressive reactions, sensory-perceptual disturbances, vague persecution feelings,

confusion and depression symptoms which on two occasions resulted in admission [commitment?] to the psychiatric ward, and treatment with tranquilizers and neuroleptics, thereby reasonably controlling the condition.

IV—Diagnosis: drug abuse + AIDS CID-10: F.19

V—Developments: at first the Núcleo Assistance Unit referred the subject to the University of São Paulo Clinical Hospital's STD/AIDS Treatment Referral Center, where the regularly went for clinical treatment of AIDS.

Later, in 1998, subject underwent a minor depressive episode, and was treated with fluoxethine for six months with satisfactory results. Subject already had slight cognitive deterioration, which worsened progressively beginning in 1999 when he began to show symptoms of social inappropriateness, and had also temporarily abandoned clinical AIDS treatment in the Clinic Hospital. Subject was again referred for treatment, where he remains to this day. Subject at the same time forsook formal psychiatric treatment.

In late 1999, subject was barred from UDV for repeated socially inappropriate behavior and disregarding UDV authorities' requirements that he continue with psychiatric treatment. Subject keeps in touch with those UDV personnel who are closest, although they too mention the inappropriate behavior.

Although subject has forsaken psychiatric treatment, he is still monitored from afar by telephone contact and conversations with friends and close relatives.

VI—Relation of Tea use to clinical situation: there is no causal relation between the clinical situation observed and the use of Hoasca tea (category 4).

VII—Current Situation, regarding:

1. Hoasca tea use: barred from communion with Hoasca tea until further notice

2. Relations with the Brotherhood: occasionally seeks out closest friends

3. Home life: according to information by telephone from the mother, subject's behavior is unstable, sometimes aggressive.

4. Job situation: never held a steady job, and currently lives off of his deceased father's pension.

VIII—Last Revision: August/2001

IX—Professional in Charge: Dr. Francisco Assis de Sousa Lima –psychiatrist

(signed) Dr. Francisco Assis de Sousa Lima CRM 25257

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 06

I—Identification (at notification time):
Administrative Unit: Samaúma Núcleo
Initials: A.M.S.
Age: 34 (in December 1994)
Sex: male
Marital Status: married
Profession: teacher
Experience Using Tea: since 1984
UDV Level: members cadre
Date notified: December 1994
Note: case notified retrospectively since its most significant event antedates mental health notification system.

II—Observed Situation Report: After receiving complaints by the wife regarding exacerbated jealousy and sexual demands (among others), the Representative Mestre referred subject to psychiatric evaluation.

Intensely anxious, the subject related to some UDV Mestres reliving remembered past lives, premonitions, intuitions, "mentalizations" and "becoming submerged in knowledge and imagination" during UDV sessions.

III—Personal and Family Background:

Psychiatric: constant moderate anxiety
Background of difficulty relating to close relatives.

IV—Diagnosis:

anxiety disorder (CID—10:F41.9)

V—Developments: two evaluation interviews were done with subject and his wife. Neurotic aspects of the clinical picture were noted and psychotherapy indicated, which he attended awhile and benefited from. Since then he has been well with a structured home life and job situation. In the religious community he developed normally. The disorder is understood to have been circumstantial, with full remission following psychotherapy.

VI—Relation of Tea use to clinical situation:

No causal relation (category 4). Situation preceded and was independent of use of . . .

VII—Current Situation, regarding:

1. Use of tea, not interrupted

2. Relations with brotherhood satisfactory, with excellent social adaptation. Member of UDV Counseling Body since 1998

3. Home situation: still married with good family interactions.

4. Job situation: works regularly, stably.

VIII—Last Revision: October/2001.

IX—Professional in Charge: Dr. Francisco Assis de Sousa Lima—psychiatrist

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 07

I—Identification (at notification time):
Administrative Unit: Samauma N.
Initials: M.V.
Marital Status: single
Age: 38 (in 1994)
Sex: male
Profession: office assistant
Experience Using Tea: since 1998, on and off
UDV Level: members cadre
Date notified: December of 1994
Note: this case was notified retrospectively, for it antedates the mental health notification system.

II—Observed Situation Report: during the *burracheira*, subject at times exhibited bizarre behavior (for instances parading in the temple in the direction opposite that adopted for the rituals, and arguing incoherently). The Representative Mestre requested his psychiatric evaluation.

III—Personal and Family Background: subject's father says that since subject's teenage years some psychic fragility was evident, with difficulty concentrating and eccentric, unexpected attitudes at times accompanied by symptoms of mental confusion. Beginning at age 17, subject made regular use of marijuana. It is additionally reported that between ages 25 and 30 subject began hearing voices—on the roof, and on one occasion

removed the roof tiles from the house in evident paranoid delirium.

During the sessions, subject on occasions exhibited bizarre behavior.

IV—Diagnosis: CID-10 F20.5

VI—Developments: subject has been kept in psychiatric treatment, currently using intramuscular haloperidol decanoate and developing relative stability.

Subject has been regularly attending sessions but with little participation during the ritual, and no adaptation problems. Subject claims to feel well when using Hoasca tea, and relatives say the same.

VI—Relation of Tea use to clinical situation:

The background shows that subject already suffered from chronic schizophrenia and regularly used medication when he first began attending the UDV with his father. Although subject has displayed bizarre reactions and shown symptoms of mental confusion, these things did not suffice to classify as renewed acuteness of psychotic episodes. We therefore understand that there is no relation between subject's use of Hoasca tea and the observed clinical picture (category 4)

VII—Current Situation, regarding:

1. Hoasca tea use: regularly partakes of smaller servings

2. Relations with the Brotherhood: satisfactory, considering subject's clinical situation

3. Home life: single, living with parents

4. Job situation: works with his father as an office assistant, and regularly performs his assigned duties

VIII—Last Revision: September of 2001

IX—Professional in Charge: Dr. Francisco Assis de Sousa Lima—psychiatrist

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 08

I - Identification (at notification time):
Administrative Unit: Lupunamanta núcleo
Initials: JDJVN
Marital Status: single
Age: 16 (in 1992)
Sex: male
Profession: student
Experience using Tea: since 1990
UDV Level: son of member
Date notified: December 1997
Note: this case was notified retrospectively, since it antedates the mental health notification system.

II – Observed Situation Report: in December of 1992, while living with his mother in the city of Bauru, subject was found kneeling on the university campus (where his mother worked) half-naked, crying and moaning. The father was quickly summoned and took him home. The following day the subject began making bread to distribute to the poor. Subject went running through the city streets, running several kilometers and climbing the stairs to a church on his knees, justifying this as self-punishment for having assumed responsibility for helping a needy institution and not performing. Subject was tense, agitated and confused.

Although subject made occasional use of Hoasca tea, the Representative Mestre ordered its use interrupted and requested evaluation by the DEMEC health professional.

III – Personal and Family Background: his parents separated when he was very young, and the mother left the home. The father then moved with the children from São Paulo to Campinas where he raised the subject with the help of his oldest daughter. The mother reappeared during subject's teenage years after getting religion and deciding that marriage was for life. The attempted reconciliation failed and subject went to live with his mother in Bauru.

At age 10, subject's behavior was marginal, with latent aggressiveness and sometimes overt, intense aggressiveness.

Both the father and the mother are obstinate in their opinions, which hampered the father's development and progress in the institutions in which he participates, including jobs.

With regard to subject, the father states that he was always very agitated in school and refused to do assignments. He led his classmates in trouble-making. He completed exercises faster than his classmates and proceeded to bother them. He always had disciplinary problems and the teachers were unable to control him. As a teenager he was rebellious and confrontational, and joined radical partisan movements.

At the time of the event related above, subject lived in Bauru with his mother and attended the UDV in Campinas with his father. The mother wanted the boy to be Catholic so there was parental discord over the child's religious choices. We know that the clinical picture in question developed some two months after he partook of Hoasca tea.

Among significant family precursors we note:
1. The mother undergoes outpatient psychiatric treat-

ment for anxiety and depression; 2. The maternal grandfather suffers from phobic neurosis and anguish, and 3. The maternal grandfather was alcoholic.

IV – Diagnosis: hebephrenic schizophrenia (CID 10: F20.1)

V – Developments: because subject remained agitated after the observed situation, he was admitted to a psychiatric clinic for two months, and released after clinical improvement with outpatient care for six months (neuroleptic medication). At the end of 1993 subject displayed strange behavior and was easily irritated. At the time the subject suffered auditory hallucinations and often became aggressive. More than once he beat up his father. Inasmuch as there was no clinical improvement, and in hopes of a better prognosis, his relatives sought out another doctor. He was placed back on neuroleptics and began psychotherapy which lasted several years.

Subject's illness became chronic, with symptoms waxing and waning, and no return to normalcy at any time after the onset. Upon three opportunities subject showed evidence of deepening psychosis (in 1995, 2000 and 2001). On these occasions subject was admitted to a psychiatric ward and discharged following improvement. Subject currently is undergoing psychotherapy, occupational therapy and taking neuroleptic medication.

With regard to participating in sessions, Hoasca tea use was initially barred. Subject later began to partake of much smaller servings, but it soon became evident they would not be able to drink any more (for not benefiting from the experience the tea provides). Subject was then suspended from Hoasca

use until further notice. Even so, an effort was made to participate in sessions by drinking only water—the purpose being to benefit from fraternization with the group. This strategy proved unsuccessful in that the subject displayed marked behavioral maladjustments, causing disorder during the session.

VI – Relation of Tea use to clinical situation: use of Hoasca tea was a predisposing factor for the clinical situation (category 3).

VII – Current Situation, regarding:

1. Hoasca tea use: permanently barred from communion with Hoasca tea
2. Relations with the Brotherhood: maintaining relative stability, given his limitations
3. Home life: single, living with father
4. Job situation: studying music with his father

VIII – Last Revision: September 2001

IX – Professional in Charge: Dr. Mauro Bilharino Naves – psychiatrist

(Signed) Dr. Mauro Bilharino Naves

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 09

I. Identification (at notification time):
Administrative Unit: Samaúma N.
Name: M.T.
Martial Status: widowed
Age: 38 years (October 1997)
Sex: female
Profession: general services assistant
Experience Using Tea: since 1986
USV Level: instructive body
Date notified: October of 1997

II—Observed Situation Report: subject relates that during 1996 she experienced an episode of depression, "lethargic" condition and difficulty working. After seeing a psychiatrist, subject began using nefazodone from July to November 1996, with some improvement. During said treatment subject sought out a DEMEC professional to report the use of medication, for subject had been regularly partaking of Hoasca tea and wanted to know if there were any chance of interaction between the tea and the medication used. Subject at that time reported improvement of Hoasca experience.

III—Personal and Family Background: subject reports having had depressive symptoms since teenage years, with moderate worsening from time to time, albeit without psychotic symptoms, and having a light to moderate effect on overall functionality. Subject underwent

various treatments, including use of lithium carbonate for 1.5 years.

Subject says she is the daughter of alcoholic, depressive parents, and has two sisters and a brother with similar depression histories. Two of them also partake regularly of Hoasca tea.

IV—Diagnosis: Recurring Depressive Disorder (CID-10: F33.9)

V—Developments: at the time of the notification (October, 1997), inasmuch as subject showed significant clinical improvement and benefit from the sessions, the Representative Mestre authorized subject to continue regular participation in UDV sessions, but with smaller servings of Hoasca tea.

Remission from the described episode followed, and her psychiatrist suspended the medication after several months. The depressive episodes recur approximately once a year, similar in intensity to the described episode, with resort to fluoxethine, sertraline and venlafaxine (monotherapy). Treatment with medication was recently suspended.

For job-related reasons (night work), subject requested relief from Instructive Body participation about a year ago, with sporadic participation in the early months, which later tapered off.

VI—Relation of Tea use to clinical situation: no causal relation (category 4). The clinical situation antedates and is independent of Hoasca tea use.

VII—Current Situation, regarding:

1. Hoasca tea use: left the UDV some nine months ago

2. Relations with the Brotherhood: keeps occasional social contact with UDV members, with good social adaptation.

3. Home life: still a widow, living with her daughter, mother and siblings.

4. Job situation: steady worker.

VIII—Last Revision: October of 2001

IX—Professional in Charge: Dr. Francisco Assis de Sousa Lima—psychiatrist UDV prod 1001952

(signed) Dr. Francisco Assis de Sousa Lima CRM 25257

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 10

I. Identification (at notification time):
Administrative Unit: Samaúma N.
Name: LT
Marital Status: single
Age: 26 (October 1997)
Sex: female
Experience Using Tea: since 1986
UDV Level: members cadre
Date notified: October of 1997

II—Observed Situation Report: In June of 1997, because of job, financial and affective problems (break off of relationship), subject began to suffer depression symptoms described as: mood swings, depressive moods predominating, listlessness, anxiety, insecurity, drowsiness and trouble concentrating. This situation worsened through the end of August that year when, after seeing a psychiatrist, subject began using fluoxethine, 20 mg/day to good effect. Subject informed the Representative Mestre who sought out the DEMEC Mental Health Commission professional.

III—Personal and Family Background: retrospectively, it was found that in mid-1996, after approximately four months of symptoms of hypomania and affective, financial and job difficulties (loss of job), subject had an anxious-depressive episode of moderate intensity.

Subject shows strong predisposition for depression, with significant endogenous depression-prone family

history (mother and siblings). It was found at the time that subject's sister (who also attends the UDV—see summary of Case 9) was also undergoing a depressive episode, using nefazodone to good effect.

IV—Diagnosis: Recurring Depressive Disorder CID-10: F33.9

V—Developments: at the time of initial evaluation, UDV-DEMEC did not recommend simultaneous use of Hoasca and Selective Serotonin Reuptake Inhibitors (SSRI) to members. Yet some cases were observed in which SSRIs were used by individuals who regularly participated in UDV sessions with no apparent ill effects either before after the sessions.

It was therefore recommended to the Representative Mestre that he authorize continued participation in the sessions, but with smaller servings of Hoasca tea.

Psychotherapy was indicated. After forty days significant improvement was observed, with no undue changes during or after the sessions, and fluoxethine use was gradually tapered off.

Following remission of the episode in question, subject remained relatively stable for some time and subsequently had another mild depressive episode.

At the beginning of 2000, subject moved to another state in Brazil, where she currently supports herself in relative stability making regular use of Hoasca tea at the local núcleo.

VI—Relation of Tea use to clinical situation: there is no causal relation (category 4) between the use of the tea and the observed clinical situation.

VII—Current Situation, regarding:

1. Hoasca tea use: attending sessions regularly

2. Relations with the Brotherhood: keeping stable, with good social adaptation

3. Home life, lives with her boyfriend and is constantly in touch with relatives

4. Job situation: stable, working regularly

VIII—Last Revision: October/2001

IX—Professional in Charge: Dr. Francisco Assis de Sousa Lima—psychiatrist

(signed) Dr. Francisco Assis de Sousa Lima CRM 25257

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 11

I – Identification (at notification time):
Administrative Unit: Samaúma Núcleo
Initials: E.S.M.
Marital Status: single
Age: 27 (in 1997)
Sex: male
Profession: airline steward
Experience using Tea: since 1989
UDV Level: Instructive Body
Date notified: August, 1997
UDV prod 1.001942

II – Observed Situation Report: retrospectively it was found that some months ago subject had been exhibiting depressive symptoms, signs of physical weakness, lowered resistance and frequent colds plus a stressful work schedule. During this period, but precisely at the end of May, 1997, subject was in Acre and drank Hoasca tea at an extra session. Subject at the time had a high fever due to flu and pharyngitis and was under great job-related and relationship pressure, and therefore handled the burracheira effect rather poorly.

Following that, after a few sleepless nights taking pharyngitis medication and feeling extremely anxious, subject succumbed to a confused state and was admitted to a psychiatric clinic in São Paulo and there medicated with eight ampules of haloperidol. According to the clinical director, with whom we have maintained

contact, a diagnostic error was discovered the day following the admission: instead of a psychotic episode the situation was diagnosed as anxious-depressive, predominated by "worries" [sic]. Medication was suspended, subject remained in care several days by request of relatives, who lived in another state in Brazil. At the time subject was visited and assisted by his brother, alarmed with situation of patient, who—according to colleagues at work—had attempted suicide by crossing a busy street with no care whatsoever.

Following release, when evaluated by us, subject showed signs of heavy use of neuroleptics, depressive symptoms, anxiety and accentuated self-reference. Harboring a deluded suspicion that someone was plotting against him, subject suffered from vague delirious thoughts. Subject explained that during the crisis he believed he had been infected with the AIDS virus, although recent examinations for that revealed no such thing.

III – History: when asked about prior psychiatric history, subject related past depressive episodes, but that no specialized treatment was procured.

IV – Diagnosis: serious depression with psychotic symptoms. CID-10: F-32.3.

V – Developments: following release, subject was treated with low doses of thioridazine for several weeks, and managed full remission of psychotic symptoms and re-established satisfactory criticism of same. Moderate anxiety and depression symptoms still persist, and eased after some 40 days.

At the time of the episode the Representative Mestre ordered the subject off of communion

with tea until further notice. After about two months, subject resumed regular participation in the sessions.

Subject was released from formal psychiatric treatment and continues to receive special attention from núcleo authorities and DEMEC mental health professionals.

In early 2001 subject had a reactive depression of low to moderate intensity, without psychotic symptoms, after a relationship break-up. Subject was treated with herbal medication (St. John's wort) by a general practitioner, achieving complete remission after two months. This new episode brought no need to interrupt taking Hoasca tea, but subject was nevertheless more closely monitored by the núcleo authorities and DEMEC health professionals.

VI – Relation of Tea use to clinical situation: it is understood that the use of the tea was a predisposing factor (category 3) for the subject's clinical situation.

VII – Current Situation, regarding:

1. Use of tea: regularly attends the sessions with no undue occurrences.
2. Relations with the brotherhood: keeping stable, with good social interaction.
3. Home life: still a bachelor with no signs of family problems (relatives in another state)
4. Job situation: works regularly.

VIII – Last Revision: August of 2001 UDV prod 1.001943

IX – Professional in Charge: Dr Francisco Assis de Sousa Lima – psychiatrist

(Signed) Dr. Francisco Assis de Sousa Lima — psychiatrist CRM 25257

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 11 [2nd #11]

I. Identification (at notification time):
Administrative Unit: Samaúma N.
Name: F.C.
Marital Status: married
Age: 50 (in 1994)
Sex: male
Profession: mason
Experience Using Tea: since 1990
UDV Level: Instructive Body
Date notified: December of 1994
Note: this case was notified retrospectively, for it antedates the mental health notification system.

II—Observed Situation Report: because of the background of intense depressive episodes since childhood, during which subject would remain inactive for days or weeks, alternating with hypermania phases, the Representative Mestre requested an evaluation by the mental health professional.

III—Personal and Family Background: sister suffering from affective disorder and personality disorder in son (notified as Case 18)

IV—Diagnosis: bipolar affective disorder CID-10: F.31

V—Developments: processing with relative stability, using lithium (currently 600 mg/day) and no more than 400 mg/day Carbamazepin. Since he began partaking regularly of Hoasca tea, subject's mood seems to become more stable, according to relatives. At present

subject is responding satisfactorily to treatment, with smaller mood swings since 1998. In September of 2001, after three years with no crises, subject had a significant depressive episode which, treated with flouxethine, is already in remission. UDV PROD 1.001990

Monitoring of the case suggest that ritual use of Hoasca tea may be contributing positively toward making the manic and depressive episodes milder in the long run.

VI—Relation of Tea use to clinical situation: no causal relation (category 4). The clinical picture antedates and is independent of drinking Hoasca tea.

VII—Current Situation, regarding:

1. Use of tea: no interruption. Currently using smaller doses of tea because of the fluoxethine (Prozactr).

2. Relations with the brotherhood: stable, with good social adaptation.

3. Home situation: still married with good family interaction.

4. Job situation: regular worker, with satisfactory performance.

VIII—Last Revision: September of 2001

IX—Professional in Charge: Dr. Francisco Assis de Sousa Lima—psychiatrist

(signed) Dr. Francisco Assis de Sousa Lima CRM 25257

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 12

I. Identification (at notification time):
Administrative Unit: Samaúma N.
Name: S.A.
Age: 30 (in 1998)
Sex: female
Profession: maid
Experience Using Tea: since 1998
UDV Level: members cadre
Date notified: April of 1998

II—Observed Situation Report: in mid-June of 1997, the patient felt "changed," with "bad energy," and was anguished, depressive. She slept fitfully, and seemed agitated and confused. The change in her behavior was noticed by relatives and close friends. She began making delirious, fantasy-like associations with unreserved and sudden comments on their sexual content.

According to the patient and close friends, this was the first time this situation never surfaced.

She had at the time been involved in an affair with a married man, broken off suddenly after an unsuccessfully tryst. Afterwards, at the wedding of persons near to her, she began speaking nonsense apropos of nothing, and seemed self-referential and confused. Since then she has begun having trouble relating in the work environment, lacks initiative, complains of listlessness, deep sadness and suicidal thoughts. She was

referred to psychiatric evaluation by the Representative Mestre.

Following clinical improvements, she became pregnant by her previous partner and is now a single mother.

III—Background: no record of psychiatric disorders. Yet life history and psychic [sic] exam data indicate, relating to personality structure, a threshold condition.

IV—Diagnosis: serious depression with psychotic symptoms. CID-10: F.32.3

V—Developments: she was at first treated with thioridazine, and showed gradual improvement. Later, with the psychotic symptoms in remission, but with baseline depression persisting, she began medication with imipramine and clonazepam, to which she responded with some improvement. Afterward, when administered sertraline and chlordiazepoxide, she made satisfactory progress with full remission of the depressive state some ten months after its onset.

With regard to Hoasca tea use, she was barred from communion with Hoasca tea until fully recovered, after which she was free to attend the sessions. She uses Hoasca regularly at the sessions without recurrences meanwhile.

VI—Relation of Tea use to clinical situation: there is no causal relation between the use of Hoasca tea and the clinical situation observed (category 4).

VII—Current Situation, regarding:

1. Hoasca tea use: regularly attends sessions without recurrences

2. Relations with the Brotherhood: stable, with good social adaptation.

3. Home Life: single mother of year-old child

4. Job situation: steady job with satisfactory performance.

VIII—Last Revision: September/2001

IX—Professional in Charge: Dr. Francisco Assis de Sousa Lima—psychiatrist

(signed) Dr. Francisco Assis de Sousa Lima CRM 25257

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 13

I - Identification (at notification time):
Administrative Unit: Lupunamanta N.
Initials: AS
Marital Status: single
Age: 24 (in 1996)
Sex: female
Profession: medical student
Experience using Tea: since 1991
UDV Level: Instructive body
Date notified: February of 1996

II - Observed Situation Report: after the tumultuous separation of subject's parents (at which time both parents' homosexuality was revealed, this being the presumed cause of the breakup) and the breaking off of a five-year relationship, subject traveled to the city of Porto Velho, where she spent 23 days.

During the trip she participated in sessions of UDV núcleos, and two sessions at the Church of Santo Daime, without informing UDV authorities.

Upon her return to Campinas she began to appear agitated, sleepless and talking constantly about her travel experiences. She became more and more confused, anxious and incoherent in her thinking. Upon returning to college (in another city) to she could not keep up with her classes, and at times mixed up her assignments.

The Representative Mestre referred her for psychiatric evaluation, which interrupted Hoasca tea use until such time as she might improve.

III - Personal and Family Background: it was later found that in 1994 she had a similar clinical picture, albeit less intense, after the breakup with her boyfriend.

IV - Diagnosis: non-organic psychotic disorder. CID 10: F.28

V - Developments: she began psychiatric treatment in the town where she studied medicine (Ribeirão Preto). After four months of treatment improvement was noted, the symptoms of psychic expectation and persecution deliriums persisting to a lesser degree.

What precise medications subject made use of is not known, because she resisted any contact between the DEMEC team and the professionals assisting her. We do know however that she was in psychotherapy for several months.

In June of 1996 he made contact with the Representative Mestre, asking to leave the UDV until further notice.

Remission from the symptoms described was obtained without apparent recurrences or new episodes. She took her degree in medicine as an eye, ear, nose and throat specialist. She was married in 1999 and had one child.

VI - Relation of Tea use to clinical situation: use of Hoasca tea was a factor in renewing the acuteness of the clinical picture.

VII – Current Situation, regarding:

1. Hoasca tea use: barred from communion with Hoasca tea
2. Relations with the Brotherhood: has not fraternized with the brotherhood for several years
3. Home life: married with one child, living in the town where she took her medical degree with the husband – likewise a doctor – and good family life.
4. Job situation: working regularly at her own clinic.

VIII – Last Revision: July of 2001

IX – Professional in Charge: Dr. Mauro Bilharino Naves – psychiatrist

Dr. Júlia M. Casulari Motta – psychologist

(Signed for) Mauro Bilharino Naves

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 14

I – Identification (at notification time):
Administrative Unit: Lupunamanta núcleo
Initials: WLS
Marital Status: single
Age: 24 (in 1997)
Sex: male
Profession: computer technician
Experience using Tea: once, in 1997
UDV Level: newcomer
Date notified: December of 1997

II – Observed Situation Report: in his first session with Hoasca tea subject appeared agitated three hours into the session, talking incessantly and claiming to be someone else. He felt the urge to write, asked for paper and pencil and began senseless doodlings. He was restless the whole night through; and at daybreak seemed pale and quiet.

He spent the entire next day saying that there was on obsessive spirit beside him. Relatives then decided to take him to a Kardecist spiritualist center he used to go to before. After being seen there he quieted down, looked better, without symptoms of agitation and confusion.

The Representative Mestre asked the DEMEC health professional to evaluate the case.

III – Personal and Family Background: it was later discovered that the night before the session he had been

smoking marijuana (with signs he had also done it the day of the session), and had not told the Representative Mestre. He was also found to be a regular user of the drug.

Subject stated that when slightly more than one year old, his parents had separated. His father was cheerful and played with him a lot. After the separation they saw each other once a year, during vacations. When he was age 4 to 5 his mother remarried and he did not want to live with her, remaining at the maternal grandmother's house where he was looked after by an aunt. He claims he was a happy child but became withdrawn as a teenager. Although he had some friends he liked to stay at home. Today he is more outgoing.

Subject states that he grew up among women, and lacked father-figures, becoming a withdrawn teenager. When he reached young adulthood, he had identity-weakness (looking at the mirror he would claim to be another person).

IV – Diagnosis: dissociative disorder (CID 10: F44.9)

V – Developments: following the episode he returned to his customary behavior, saying that he was now more aware of inner issues to resolve, and of the meaning of certain beliefs. He claims to have noticed aspects very important to his life in the session he attended.

Despite a feeling of shame at what had happened, he still intended to again partake of the tea.

After the aforesaid episode, the Representative Mestre ordered that he could only again drink Hoasca tea under psychotherapeutic monitoring. The subject began psychotherapy, and quit after the third session. He was nonetheless monitored informally by

the Lupunamanta núcleo directors and health professionals.

Observance of his behavior points to good emotional stability with no recurrences.

In 1999 he was authorized to participate in a session, at which no problem was observed. As a precaution he was at the time given a very small portion of Hoasca tea.

VI – Relation of Tea use to clinical situation: the use of Hoasca tea was the factor which triggered the clinical picture described.

VII – Current Situation, regarding:

1. Hoasca tea use: no Hoasca tea use since 1999.
2. Relations with the Brotherhood: maintained social contact with some UDV members, with good interaction.
3. Home life: still single and living with his mother.
4. Job situation: computer technician, regularly performing his tasks.

VIII – Last Revision: April 2000

IX– Professional in Charge: Dr. Mauro Bilharino Naeve –psychiatrist

(Signed for) Dr. Mauro Bilharino Naves

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 15

I – Identification (at notification time):
Administrative Unit: Lupunamanta núcleō
Initials: RTR
Marital Status: single (a minor)
Age: 12 (in 1997)
Sex: male
Profession: student
Experience using Tea: once, in 1997
UDV Level: newcomer
Date notified: December of 1997

II – Observed Situation Report: subject at age 12 attended his first UDV session with his father. During the session he was hyperactive and anxious, talking loud and moving his arms and legs.

The Representative Mestre requested evaluation by the DEMEC professional.

III – Personal and Family Background: his parents were separated, and he lived with his father and stepmother. The father relates that subject was emotionally and affectively a late bloomer, and denied that there had been similar episodes previously. He stated that his son had been diagnosed before with "cerebral arrhythmia," with no specific treatment.

IV – Diagnosis: hyperkinetic reaction (CID 10-F.90.9) + epilepsy (CID 10: G40.9)

V – Developments: subject's clinical picture improved after the session. He was evaluated by a psychologist

and neurologist and diagnosed as epileptic. Since then he has been under neurological monitoring, using anticonvulsive medication and psychotherapy to good effect. Subject has been barred from Hoasca communion since then by order of the Representative Mestre.

Subject regularly attends núcleo social activities with good social adaption and no recurrences. In 1997 the family left the UDV and moved abroad, losing contact. We know that in early 2000 he committed suicide. We do not yet know under exactly what circumstances, because the family does not keep in contact with the UDV brotherhood in Brazil.

The suicide is not believed to be related to the episode observed, and the event is under investigation by the DEMEC Mental Health Commission.

VI – Relation of Tea use to clinical situation: Hoasca tea use was the triggering factor for the clinical picture described.

VII – Current Situation, regarding:

1. Hosaca tea use: never used tea after 1997.
2. Relations with the Brotherhood: all contact lost after move overseas.
3. Home life: death in 2000.

VIII – Last Revision: April 2000

IX – Professional in Charge: Dr. Mauro Bilharino Naves – psychiatrist

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 16

I – Identification (at notification time):
Administrative Unit: Lupunamanta Núcleo
Initials: JCA
Marital Status: single (a minor)
Age: 12 (in 1991)
Sex: male
Profession: student
Experience using Tea: once, in 1991
UDV Level: son of member
Date notified: 1991
Note: this case was notified retrospectively inasmuch as it antedates the mental health notification system.

II – Observed Situation Report: at age twelve subject went with his parents to his first UDV session, during which he seemed ill at ease, unable to sit still and not doing as he was told. Subject manifested no temporal or spatial disorientation or perceptual disturbances.

The Representative Mestre barred the subject from using Hoasca tea and requested evaluation by a DEMEC psychologist. Upon evaluation, subject was referred to psychotherapy.

III – Personal and Family Background: subject had unusual difficulty relating to other youngsters his age, in school and at the Lupunamanta núcleo.

Subject had already had a similar situation prior to that described in item II, in that teachers and guidance counselors at school had already recommended to the parents that they seek professional help for their son.

IV – Diagnosis: anxious reaction (CID-10: F-23)

V – Developments: authorization to resume attending sessions was made contingent upon sticking to the recommended treatment. The family however did not meet this requirement.

The same psychologist has been monitoring the subject more closely since then, whenever subject turned up at núcleo facilities for social functions. Psychologist informally guided the parents whenever they so requested, or when the need arose.

Up to 1995 subject showed no significant improvement in becoming sociable despite his mother's best efforts. His mother, for example, became a scoutmistress for one of his troops, the idea being to make it easier for her son to get along with other boys—but that effort failed.

There is no record of new episodes after the one described. In 1993 subject's parents became separated and left the UDV. Subject moved with his mother to another town.

VI – Relation of Tea use to clinical situation: Hoasca tea use was the triggering factor for the situation reported (category 2).

VII – Current Situation, regarding:

1. Hosaca tea use: barred from communion with Hoasca tea
2. Relations with the Brotherhood: no current contact
3. School situation: reportedly satisfactory, no new occurrences

4. Home situation: parents separated, living with mother

VIII – Last Revision: April of 1998

IX – Professional in Charge: Júlia Maria Casulari Motta – psyschologist

(Signed for) Júlia Maria Casulari Motta

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Summary of Case No. 17

I. Identification (at notification time):
Administrative Unit: Lupunamanta Núcleo
Initials: IRA
Marital Status: single
Age: 27 (in 1998)
Sex: male
Profession: law student
Experience Using Tea: two years (in 1998)
UDV Level: members cadre
Date notified: 1998

II—Observed Situation Report: subject had a minor depressive episode with classic symptoms in January of 1998. At the time subject was a regular Hoasca user, and the Representative Mestre requested a psychiatric evaluation.

III—Personal and Family Background: subject states that when he began attending the UDV, he had already undergone prior depressive episodes.

IV—Diagnosis: Recurring Depressive Disorder (CID-10: F33.9)

V—Developments: subject had outpatient psychiatric treatment, medicated at first with clomipramine and carbamazepine. Subject currently uses only carbamazepine.

In 2001, after having stopped using clomipraimine and already relatively stable, subject again began

attending UDV sessions, drinking smaller servings of Hoasca tea.

Subject took a law degree, and began regular work as an attorney.

VI—Relation of Tea use to clinical situation: no apparent relation between the use of Hoasca tea and the clinical picture (category 4).

VII—Current Situation, regarding:

1. Hoasca tea use: regularly attending sessions with satisfactory performance

2. Relations with the Brotherhood: good relationships, no adverse occurrences

3. Home life: married, with good family relations. Recently built a house and moved the family into it.

4. Job situation: working regularly as an attorney

VII—Last Revision: September of 2001

IX—Professional in Charge: Dr. Mauro Bilharino Naves—psychiatrist

(signed) Dr. Mauro Bilharino Naves

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 18

I. Identification (at notification time):
Administrative Unit: Samaúma Núcleo
Initials: FDC
Age: 33 (in 1998)
Sex: male
Marital Status: single
Profession: brick mason's helper
Experience Using Tea: during 1995
UDV Level: members cadre
Date notified: April of 1998

II—Observed Situation Report: subject regularly attended UDV sessions during 1995, with his parents who were members of the instructive body. In December of 1995, after drunkenness and disappearances from home for several days, he turned up without documents and was arrested for attempted theft (Penal Code article 155 "header"). As a recidivist, subject was kept in Jandira city jail for three years & two months.

In early 1998, after leaving jail and indicating a desire to again attend the UDV, subject was seen by the Representative Mestre. Yet on 21 February 1998 there was a situation that left the subject under suspicion and generated insecurity among the brotherhood: subject had invited a minor to accompany him to a remote spot. She repudiated his invitation and fled in fear to her parents and told them what had happened, trembling and frightened.

III—Personal and Family Background: subject does not know his date of birth, can write his name but does not read, is familiar with money but has trouble with arithmetic; has shown educational backwardness since he was a boy. A history of alcohol abuse and behavioral aberrations. The mother claims he was arrested the first time 13 years ago, jailed approximately two years for attempted rape of a minor when drunk and not aware of his action [*sic*]. Subject explains he is occasionally irritable, restless, upset, aggressive and invariably returns to drink, to the exter of pawning household objects for liquor. During such periods, which generally reoccur in the second quarter, subject is sleepless, walks & talks incessantly, is clearly agitated and gets into fights.

The mother further claims that he has at times manifested strange sexual behaviors: stealing panties from the homes of relatives or acquaintances, and even wearing them at home, modeling them for his brothers. She also claims that at age 14 he was expelled from a school for "exceptional" children for excitedly lying on girls in the grass [*sic*].

Subject has significant family psychiatric history: father and paternal uncle suffered bipolar affective disorder (father's case summary is No. 4). Alcoholic brother.

IV—Diagnosis: moderate feeble-mindedness (CID-10: F71) + personality disorder (CID-10: F60.9)

V—Developments: after the episode subject was barred from communion with Hoasca tea until further notice. Several efforts were made to reintegrate subject socially. Yet in mid-1998, subject again was caught

attempting theft and once again arrested. He was released on probation/parole in February 2001.

Since then subject has again been assisted at the Basic Health Unit. Using carbamazepine, 200 mg/day, and is evidently compensating somewhat: calm, cooperative, uncomplaining.

VI—Relation of Tea use to clinical situation: there is no causal relation between the use of Hoasca tea and the situation presented (category 4)

VII—Current Situation, regarding:

1. Hoasca tea use: still barred from communion with Hoasca tea.

2. Relations with the Brotherhood: not Fraternizing

3. Home life: still single, living with parents. Mother says that although he is now relatively stable he still exhibits unstable behavior.

4. Job situation: works as a brickmason's helper (for his father)

VIII—Last Revision: September/2001

IX—Professional in Charge: Dr. Francisco Assis de Sousa Lima—psychiatrist

(signed) Dr. Francisco Assis de Sousa Lima CRM 25257

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 19

I – Identification (at notification time):
Administrative Unit: Samaúma N.
Initials: R.A.P.C.
Marital Status: married
Age: 44 (in 1998)
Sex: male
Profession: salesman
Experience using Tea: since 1982
UDV Level: cadre of members
Date notified: Apr. 1998
Note: this case was reported retrospectively, because its most significant event antedates the mental health notification system.

II – Observed Situation Report: in June of 1987, during a UDV session, subject went to the bathroom inasmuch as he did not feel well. The Mestre sought to assist him, placing a hand on his shoulder and speaking a few words of guidance. As he told his wife the following day, the instant he looked at that Mestre he saw him as a Roman gladiator—his enemy. Returning to the interior of the temple, he also saw 2 other Mestres and some of their family members as enemies and judges. He saw himself on trial and they were his judges. He reportedly made odd gestures on reentering the main room, raising and lowering his arms repeatedly.

The following day he described the events to his wife, who told the Representative Mestre.

III – Personal and Family Background: in early 1984, one month before being married, he was fired from his job for failure to perform satisfactorily. Subject had difficulty concentrating, was easily distracted, forgetful, could not, for instance, file documents—which before had been routine. During at least two years subject had trouble holding jobs, with no more than two to four months at any given one. He finally got a job at a newspaper, where he seemed more involved and interested. He nevertheless was fired again, for although he easily made sales, he got his prices mixed up and sometimes sold outside of his boundaries, generating confusion.

According to his wife he had long since developed behavioral changes. He would say, for example, that people looked at him with envy, in the belief that he made a lot from sales. Significantly, he saw a man simply wave in the distance, and the subject took it as an obscene gesture, to which he responded in kind. He then got behind the wheel, had an accident in which he suffered a fronto-temporal D injury, and interpreted that as punishment for having responded to the obscene gesture.

Other events further made the subject vulnerable, according to his wife. There was an armed robbery situation at work on his shift, attempted suicide by his father who thought himself in the later stages of cancer, and having to move for nearly a year to his parents' apartment right after said suicide attempt. He became reclusive, not leaving his room which he'd blacked out by covering the windows with blankets. According to the wife he probably thought himself even more persecuted after the obscene gestures and car accident, and did not even want to be seen by his supposed enemies.

In 1985, after moving into their own home he had a relapse, with aggressive reactions, heightened self-reference and jealousy to the point of imagined persecution–surrounding his wife and the brickmasons still finishing up the house. He then felt the neighbors were spying on him, and told of seeing lights and images. For three years he went in and out of delirium symptoms, refusing psychiatric treatment. Since the symptoms were moderate at the time the Representative Mestre decided to let the subject continue going to regular sessions on much smaller servings. Note that this episode occurred before there was a formal system for notifying cases and advising UDV authorities regarding mental health.

The subject in an interview said that since 1980 at least, he had had signs of depression (listlessness and melancholy primarily), and said that between 1997 and 1980 he had occasionally smoked marijuana, with no apparent complications.

IV – Diagnosis: residual schizophrenia (CID-10: F.20.5)

V – Developments: after the June, 1987, psychotic episode, subject began pyschiatric treatment with neuroleptic drugs and quickly showed significant improvement. He underwent pyschotherapy between 1987 and 1989, with some benefit. He did not totally recover, with lingering schizophrenia symptoms. He has since then kept using the neuroleptic medication with which he keeps relatively stable. There was never a need for admission to a psychiatric institution.

Once the 1987 episode was resolved, and subject seemed relatively stable, he continued to partake of Hoasca tea in minimum amounts, and was more closely monitored by UDV authorities. Interacting with the

brotherhood has apparently been a positive influence in his situation. According to his wife he generally feels well; feels greater harmony.

VI – Relation of Tea use to clinical situation: the psychotic episode occurring during the June, 1987 session amounts to a renewed acuteness (category 2) of a malady already well underway and which first showed up in 1984, with signs of insidious aggravation since at least 1980.

VII – Current Situation, regarding:

1. Hoasca t a use: attends the sessions with minimum servings of tea
2. Relations with the Brotherhood: satisfactory, although somewhat limited by residual symptoms, keeping good relations with the brotherhood.
3. Home life: still married with a good family life. No children
4. Job situation: passed a civil service examination in 2000 for City of São Paulo job as a clerk. Began work after a regular medical examination, performs faithfully, apparently with no complaints.

VII - Last Revision: October/2001

IX – Professional in Charge: Dr. Francisco Assis de Sousa Lima – psychiatrist

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DEMEC—Medical-Scientific Department of the UDV

Summary of Case No. 20

I. Identification (at notification time).
Administrative Unit: Samúma
Initials: V.G.A.
Age: 40 (in 1998)
Sex: male
Marital Status: single
Profession: businessman
Experience Using Tea: since 1990
UDV Level: instructive body

II—Observed Situation Report: in mid-1986 the wife complained of being forced by husband (subject) into extreme aggression situations. To force her to confess supposed betrayals, he actually beat her.

III—Background and evaluation: subject had what are called "childhood traumas": surprising the mother having sex outside of wedlock, and being himself sexually abused twice.

Since joining the núcleo, subject was perceived as striking eccentric attitudes. Subject claimed at times, with no basis in fact, that his wife was having outside affairs—and even forced her to confess to being in love with one of them—with repeated physical aggression.

Such behavior suggests paranoid behavior tendencies. To this is added a sado-masochistic component indicative of psychoneurotic compromising of subject's personality.

Subject further claimed to have messianic spiritual leadership powers. Some attitudes, such as avoiding sexual relations with his wife other than for procreation, and subject's feeling of superiority—of Jesus-like perfection—were noted by persons closest to subject, and indicate probable tendencies toward mythomania.

Subject was reportedly vain and narcissistic, with ambivalent personality traits (kind yet violent; loving yet tyrannical; helpful yet arrogant, etc.). Subject was also extremely controlling toward relatives, even of their financial affairs, attempting to impose values and behavior at times unreasonable.

There is no record of psychotic episodes or other psychiatric dysfunctions in subject's record.

IV—Diagnosis: personality disorder. CID-10: F60.9

V—Developments: with regard to Hoasca tea use: in mid-1996 subject was temporarily suspended from Hoasca tea communion due to complaints by wife of continued beatings. The Representative Mestre then asked the UDV DEMEC for professional guidance, and subject was referred to individual psychotherapy with concurrent marriage counseling. Subject attended marriage conseling for some time and in September/96 again began attending regular sessions until early 1998, when subject asked to leave the Center for personal reasons. After some months, subject returned to regular sessions.

VI—Current Situation, regarding:

1. Hoasca tea use: regularly attends sessions with good adaptation

2. Relations with the Brotherhood: stable, with excellent social adaptation

3. Home life: still married, with good family life. There are reports that the aggressive episodes observed in the past are not recurring.

4. Job situation: works regularly, with satisfactory performance.

VII—Last Revision: September/2001

VIII—Professional in Charge: Dr. Francisco Assis de Sousa Lima—psychiatrist

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